DOCUMENTS DEPARTMENT

SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK

Not to be taken from the Library

DEC 1 2 1995

SAN FRANCISCO PUBLIC LIBRARY
3 1223 03475 3229

DEC 1 2 1995

[MINUTES]

JULY 10, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, July 10, 1991, at 4:15 p.m. in Closed Session.

Attorney-Client Conference

Jeffrey Charles and Bernard Charles vs. CCSF
De La Cerda vs. CCSF
Officers for Justice vs. CCSF

JULY 10, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, July 10, 1991, at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF JUNE 5, 1991

Approval of Minutes of Meeting of June 5, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
NOV 8 - 1991
SAN FRANCISCO
PUBLIC LIBRARY

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against the City and County of San Francisco:

RESOLUTION NO. 128-91

JEFFREY CHARLES, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Charles and Bernard Charles in the amount of $25,000 in Superior Court Case No. 901-492 for wrongful death, be, and the same is hereby approved.

Date of Incident: February 14, 1988

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session, no action was taken, no votes were taken. Executive Session meeting was regarding De La Cerda vs. City and County; and Officers for Justice vs. City and County. He also stated that they discussed a personnel matter.

Commissioner Keker said that he was the Commission representative at the Awards Committee held in May and at that meeting, members of the Headquarters Company, SWAT Team, were awarded a bronze medal of valor, missing a silver by one vote. He asked to calendar Motion to Upgrade Bronze to Silver Medal of Valor for officers involved for July 17.

Commissioner Craig requested for public hearing the matter of racial discrimination practiced by gay bars and dance establishments requiring different identification for people of color vs. white patrons. Black caucus is investigating administrative remedy used in Washington, D.C. She stated that the black caucus had asked the Commission to look into administrative codes and find some way to adapt Washington, D.C. legislation applicable to San Francisco. She requested the City Attorney to look at legislation, investigate what way we may adapt it and hold hearings to determine the need for such legislation. The matter was then calendared for July 31 for report by City Attorney.

At this time, Mr. Jerry Akins, MCD, informed the Commission of the resignation of Officer Thomas Argo effective July 2. He requested the matter be taken off calendar. Matter was then ordered off calendared by Commissioner Keker.

RESOLUTION NO. 127-91

HEARING OF POLICE OFFICER THOMAS ARGO, RECORDS SECTION

WHEREAS, on May 17, 1991, Willis A. Casey, Chief of Police, made and served charges against Police Officer Thomas Argo, Records Section, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Failure to obey a lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Departrment).

SPECIFICATION NO. 5

Illegally possessing or using a controlled substance identified under Health & Safety Code Sections 11053-11058, inclusive (violation of Section III.C of General Order D-18 of the San Francisco Police Department).

5 36235 SF: ECONO 1125
162 SF 11/22/95 72-

Commissioner Keker stated that he has received a copy of the Independent Commission Report on the Los Angeles Police Department and suggested that all Commissioners, the Chief, Deputy Chiefs and other department management look at the report and a date be set for discussion. The matter was then calendared for July 31 for discussion.

b.) PUBLIC COMMENTS

Keith McHenry read a letter regarding complaint. OCC to investigate and report back to the Commission. He complained about being beaten by officers during demonstrations. Commissioner Keker asked Mr. Michael Langer to look into complaints and report back to Commission next week.

Frank Martin del Campo, Local 790, stated that he was present at the demonstration of Keith McHenry and stated that he was a witness to some of the actions.

Byron McQuarters, Vice President of Harvey Milk Gay/Lesbian Democratic Club, reported that the club passed a resolution supporting Commissioner Craig in the Cairns decision and congratulated her on a job well done. He also read a statement regarding gay/lesbian relations and discrimination by certain clubs in the city.

Brian Bringardner commented regarding De La Cerda vs. City and County and asked the Commission to consider asking the District Attorney and the Grand Jury to investigate into allegations made by Officer De La Cerda.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Reed reported regarding Asian gang activity in the city. He thanked Commissioner Lee for sponsorship in bringing Chief Inspector Steve Carruthers of the Royal Hong Kong Police Department to San Francisco for five (5) days. He was involved in various seminars which were attended by numerous members of other agencies who discussed various issues including gang members activities and what will happen in 1997 when Hong Kong reverts to communist rule.

Chief Casey discussed the report on the Los Angeles Police Department. Commissioner Campana requested the Chief to report back to the Commission on the Day Labor Program and its impact on the area of Bryant and 16th Streets. Captain John Newlin, Mission Station, will report some time in the near future.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Commissioner Keker announced the resignation of Michael Langer and wished him well and thanked him for his work. Mr. Langer thanked Mayor Agnos, the Commission for support, etc. He thanked staff, Chief and the people of San Francisco.

RESOLUTION NO. 123-91

REMOVAL OF "Z" CLASSIFICATION - OFFICE OF CITIZEN COMPLAINTS

RESOLVED, that the Police Commission requests "Z" classification attached to members of the Office of Citizen Complaints, with the exception of the Director and Senior Staff Attorney, be removed.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION DISCUSSION ON REQUEST OF BOARD OF SUPERVISORS TO ESTABLISH CERTAIN POLICIES FOR THE PROVISION OF THE CITY'S EMERGENCY SERVICES AND ITS 911 SYSTEM

Captain Robert Fife reported to the Commission regarding the status of the Communications Section recommendations by the Board of Supervisors. He stated that he supports the resolution of the Board of Supervisors and that he will inform the Commission during the quarterly report on September 11 as to the status of board recommendations not in place at that time. A motion was made by Commissioner Campana, seconded by Commissioner Lee to support Board of Supervisors six (6) point resolution and direct the department to do all in its power to accomplish as much as possible in a timely fashion. It was unanimously passed.

RESOLUTION NO. 124-91

REQUEST OF BOARD OF SUPERVISORS TO ESTABLISH CERTAIN POLICIES FOR THE PROVISIOIN OF THE CITY'S EMERGENCY SERVICES AND ITS 911 SYSTEM

RESOLVED, that the recommendation of Supervisor Jim Gonzalez to establish certain policies for the provision of the City's emergency services and its 911 system is hereby approved, and be it further

RESOLVED, that the Police Department is taking action to meet these recommendations for the efficient and effective operation of the City's emergency services and its 911 system.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RECOMMENDATION OF THE CHIEF OF POLICE FOR CREATION OF NEW POLICE OFFICER CLASSIFICATION FROM INCUMBENT MEMBERS OF CURRENT CIVIL SERVICE CLASSIFICATION 8222, HOUSING POLICE OFFICER

Lieutenant Ed Pecinovsky, Legal Office, gave the Commission a brief history on housing officers and description of duties of those officers.

RESOLUTION NO. 125-91

CREATION OF NEW POLICE OFFICER CLASSIFICATION FROM INCUMBENT MEMBERS OF CURRENT CIVIL SERVICE CLASSIFICATION 8222, HOUSING POLICE OFFICERS

WHEREAS, the Police Department currently includes among its employees Civil Service classification 8222, Housing Police Officers, and

WHEREAS, the duties performed by Housing Police Officers are limited by California Penal Code Section 830.31(d), and

WHEREAS, twelve members of the 8222 Housing Police Officers classification have satisfactorily completed the California Peace Officer Standards and Training (P.O.S.T.) basic academy, and

WHEREAS, twelve members of the Housing Police Officer classification are eligible for appointment to full peace officer status and utilization for general law enforcement duties; now therefore be it

RESOLVED, that the Police Commission by virtue of its Charter authority wishes to create a new classification of police officer subject to attrition from the twelve eligible Housing Officers, and be it further

RESOLVED, that the Police Commission urges approval of the creation of a new police officer classification by the Civil Service Commission.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

PUBLIC DISCUSSION ON REDISTRICTING OF POLICE STATIONS

Commissioner Keker discussed resolution by Board of Supervisors asking the Commission to postpone final decision for two (2) weeks. He discussed what impact a delay would have on the department. He also talked about written material and phone calls received by the Commissioners from particular part of the city regarding redistricting. Deputy Chief Murphy responded for the department.

A motion by Commission Lee, seconded by Commissioner Craig to postpone decision for two (2) weeks at the request of the Board of Supervisors.

Speakers:

Len Lundgren-Lakeside Property Owners Association
Jim Heagy
Lorraine Lucas-Golden Gate Heights Association
Evelyn Wilson-Coalitioi of Neighborhoods
Joe Balanessi-Parkside Improvement Club
Willie Maoers
Bill Taylor-OMI
Hilda Bernstein
Lola Gordon-OMI
Charles Bolton
Esther Clannahan-Potrero Hill
Robert Pender-Parkside
John Bardis-Taraval/Parkside

The meeting, thereafter, was adjourned at 7:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6262M

[MINUTES]

JULY 17, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in St. Mary's Cathedral, Gough and Geary Streets at 5:30 p.m. in Closed Session.

Selection of New Director of Office of Citizen Complaints

JULY 17, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in St. Mary's Cathedral, Room "D", Gough and Geary Streets at 6:00 p.m. in a Regular Meeting.

Commissioner Keker greeted the audience and described duties of Commission.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

APPROVAL OF MINUTES OF MEETING OF JUNE 12, 1991

Approval of Minutes of Meeting of June 12, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
NOV 8 - 1991
SAN FRANCISCO PUBLIC LIBRARY

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session to discuss personnel matters including method for finding a new Director for the OCC. No new matters to be calendared.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Reed gave the Commission a report on arrest of homicide suspect. Chief Casey said that he met with Parking and Traffic Authority regarding driveway complaints and an agreement has been reached on who will handle complaints. Parking and Traffic will transfer 24 parking and traffic control officers on August 3 to handle such complaints. The police department will dispatch the parking control officers from complaints. Commissioner Campana inquired as to impact, if any, on 911 system. Chief Casey stated that these calls will be separated from 911. Discussion followed regarding problems since parking control officers transferred from police department.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer described duties of OCC. He also gave the Commission a report regarding Keith McHenry's complaint. Presently eight (8) persons have filed complaints, McHenry has not filed a complaint as of yet and the 8 complaints have been assigned to Investigator Charles Gallman.

RESOLUTION NO. 129-91

UPGRADING OF AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, a motion was made by Commissioner John Keker to upgrade the Bronze Medals of Valor previously granted (Resolution No. 89-91) to the following members of the Police Department:

Lieutenant Joaquin Santos, Sergeant David Shinn, Officer David Seid, Officer Mel Cardenas, Officer Richard Lee, Officer Bernard Sullivan, Officer Matthew Castagnola, Officer Edward St. Andre and Officer Nikolaus Borthne

RESOLVED, that it is unanimously agreed and approved that awards for the above members be upgraded from Bronze Medals of Valor to Silver Medals of Valor and granted rewards of $300.00 each instead of $150.00 each.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

CAPTAIN TIMOTHY HETTRICH, COMMANDING OFFICER, NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Hettrich greeted the Commission and audience and gave history of Northern Station, personnel make up and manpower allocation.

PUBLIC COMMENTS

Brian Bringardner discussed past problems in Northern District.

Karen Tishera, President/Polk Street Merchants Assn., praised officers on bicycles, discussed more attention needed towards vice conditions especially male prostitution, minors being served alcoholic beverages and commended CPOP program.

Charles Ameson, President/Hayes Valley Residents Assn., discussed drive-by shooting and requested station personnel to attend meeting. Captain Hettrich will have a sergeant to contact Mr. Ameson to assist with problem.

Gary Zadro, Mayor's Advisory Committee, gave Commission a brief report on homeless shelter at 1001 Polk Street and discussed changes, renovation and clean up of area.

Fran De Noto, President/Oak-Fillmore Neighborhood Assn., thanked Captain Hettrich and officers of Northern Station. He asked if anything can be done about hoodlums in area.

Dennis Bush, Secretary/Oak-Fillmore Neighborhood Assn., supported Captain Hettrich and officers of Northern Station.

Gayle Golden, Marina Homeowners Assn., commended Captain Hettrich and officers of Northern Station.

Gloria Fontinella, Marina Neighborhood Assn., thanked Captain Hettrich and officers of Northern Station, Officer Ben Vigil. Discussed homeless in area.

John Friedlander, resident of 66 Cleary Court, discussed burglaries in area and asked for more beat officers in area.

Martin Scott, Oak-Fillmore Assn., supported redistricting, asked for help for Officer Ben Vigil and boxing program. Commissioner Keker asked that more information be sent to him and he will look into matter.

Gene Casaretto, Pixlie Alley, discussed narcotics and drinking in area and thanked Captain Hettrich and the officers of Northern Station.

Mary evans, Vice President/St. Mary's Apartment Complex, discussed juvenile crime problem. She further discussed problem with barricades when there is a demonstration at the Chinese Consulate.

Unidentified resident of St. Mary's Complex, discussed juvenile problems at O'Farrell and Buchanan Streets, crime and recent shootings.

Thereafter, the meeting was adjourned at 7:23 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6273M

SF [MINUTES]

JULY 19, 1991 SPECIAL MEETING

Police Commissioner Gwenn Craig conducted a Special Meeting on July 19, 1991 at 9:40 a.m. in Room 551, Hall of Justice, 850 Bryant Street.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER MICHAEL A. TOROPOVSKY, TENDERLOIN TASK FORCE

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Michael A. Toropovsky, Tenderloin Task Force, was called it having been continued from the meeting of April 30, 1991.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Michael A. Toropovsky appeared in person and was represented by Mr. John Prentice, Attorney at Law.

The following witness appeared for the Prosecution, was sworn and testified:

Deputy Sheriff John Condon, Sonoma County Sheriff's Office

DOCUMENTS DEPT.
NOV 8 - 1991
SAN FRANC
PUBLIC LIBRARY

The following witnesses appeared for the Defense, were sworn and testified:

Ann McNee
Lieutenant Michael McNeill, Tenderloin Task Force

The following witness was recalled by the Prosecution and testified:

Lieutenant Michael McNeill, Tenderloin Task Force

The meeting was then adjourned at 11:35 a.m. to be continued for a decision by the Commission on Wednesday, August 28, 1991 at 5:30 p.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Officer Toropovsky:

10:50 a.m. to 11:00 a.m.
11:15 a.m. to 11:18 a.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6273M/4

MINUTES

JULY 24, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, July 24, 1991 at 5:00 p.m. in Closed Session.

Attorney-Client Conference

Mario Gonzales vs. CCSF, et al
Ascarrunz vs. CCSF

JULY 24, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, July 24, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF JUNE 19, 1991

Approval of Minutes of Meeting of June 19, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
NOV 6 - 1991
SAN FRANCISCO PUBLIC LIBRARY

CONSENT CALENDAR

Recommendation of the City ATtorney for settlement of the following claim against the City and County of San Francisco:

RESOLUTION NO. 138-91

MARIO GONZALES vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mario Gonzales in the amount of $11,000 in Municipal Court No. 032-976 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 20, 1989

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session regarding two (2) items and no action was taken. Commissioner Keker also discussed copying of Independent Report on Los Angeles Police Department for review by department administration and calendared for discussion on July 31.

b.) PUBLIC COMMENTS

None

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey discussed traffic court closing due to the fact of no police officer being available for security. He stated that that function has been transferred from the Warrant Bureau to Southern Station. He stated that he is going to work with the Mayor's Office and the Sheriff's Department so that some arrangement can be made in next year's budget to transfer this function to the Sheriff's Department. Commissioner Keker stated that police officers should not be used for that function. Chief then informed the Commission of three (3) new captains, Captain Ribera of Fiscal Division, Captain Berry of the Training Division and Captain Suttmeier of Planning Division.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer discussed statistical report and status of investigations of incident of June 24, 1991 and they will be completed within ninety (90) days. Commissioner Keker asked that the Commission be notified if it can not be completed in 90 days. Mr. Langer then thanked Commissioners, Mayor's Office, staff and all others during his tenure including the City Attorney's Office. Commissioner Keker discussed procedure for finding successor for Mr. Langer and that Commissioner Campana will chair committee appointed by Mayor for advertising for position of new director.

POLICE COMMISSION ACTION ON PROPOSED AMENDMENTS REGULATING CABARETS AND PLACES OF ENTERTAINMENT PERMITS, ARTICLE 15.1 AND 15.2, POLICE CODE

Mr. Burk Delventhal, City Attorney's Office, gave the Commission a report on proposed changes and reasons for same. Commissioner Keker discussed the "need arose" motion due to calendaring of this matter. Motion by Commissioner Craig, seconded by Commissioner Campana that according to the Brown Act the "need arose" to act on this matter promptly. It was approved unanimously. Proposed amendments approved unanimously by Commission after motion by Commissioner Campana and seconded by Commissioner Lee.

RESOLUTION NO. 137-91

PROPOSED AMENDMENTS REGULATING CABARETS AND PLACES OF ENTERTAINMENT PERMITS, ARTICLE 15.1 and 15.2, POLICE CODE

WHEREAS, request was made for Police Commission approval for amendments to Article 15.1 and 15.2, Police Code, regulating cabarets and places of entertainment ordinances; therefore be it

RESOLVED, that the Police Commission hereby approves and requests the Board of Supervisors to approve the attached amendments to Police Code Article 15.1, Place of Entertainment, and Article 15.2, Cabaret.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

PUBLIC DISCUSSION ON MAYOR'S DISCIPLINE TASK FORCE

Director of Emergency Services, Gayle Orr-Smith submitted the final draft of Mayor's Discipline Task Force. Jill Tregor, CUAV, discussed the report with Commission. Commissioner Keker commended Director Orr-Smith and members of the task force. The matter was then calendared for August 14th meeting for public discussion and joint meeting with the Human Rights Commission. Commissioner Keker discussed possible ballot action time frame following discussion. Copies of report available at Commission Office.

RESOLUTION NO. 130-91

REQUEST FOR WITHDRAWAL OF APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER CANDICE FUKUNAGA, INGLESIDE STATION

WHEREAS, Mr. Casimir A. Wilson, Attorney at Law, representing Police Officer Candice Fukunaga, faxed a letter requesting withdrawal of appeal of the Chief's suspension imposed on Officer Candice Fukunaga; therefore be it

RESOLVED, the request for withdrawal of appeal of the Chief's suspension imposed on Officer Candice Fukunaga, Ingleside Station, is hereby approved.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 131-91

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST LIEUTENANT RICHARD BAKER, TARAVAL STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Lieutenant Richard Baker, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Louis Giraudo is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Police Lieutenant Richard Baker; and

WHEREAS, it was requested by the Police Commission that the date for taking of evidence by Commissioner Giraudo in the disciplinary charges filed against Lieutenant Baker be set at a later date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Giraudo in the disciplinary charges filed against Lieutenant Richard Baker is to be set at a later date.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 132-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR DAVID SUYEHIRO, CRIME SCENE SECTION

WHEREAS, the assignment of a Commissioner and

setting of date to conduct taking of evidence in the disciplinary charges filed against Police Inspector David Suyehiro, Crime Scene Section, was called it having been set for this date; and

WHEREAS, Commissioner Pius Lee is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Police Inspector David Suyehiro; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Pius Lee in the disciplinary charges filed against Police Inspector David Suyehiro is set for Friday, August 16, 1991 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

PUBLIC DISCUSSION ON REDISTRICTING OF POLICE STATIONS

PUBLIC COMMENTS

Evelyn Wilson requested new statistics.
Willie Mares, Taraval District - opposed
Bill Taylor, OMI - for proposal
Henry Dery - opposed and suggested hire more police officers.
Minnie Ward, OMI - supports redistricting
Steve Contide - supports redistricting
Kathy Zimmerman, Mission Playground Assn. - supports redistricting.
Vivian Azadia, Mayor's Public Safety and Code Enforcement Task Force/Mission resident - supports plan, suggested for approval.
Joe Valanessi, Parkside Improvement Club, Taraval/Parkside Merchants Assn., asked for more time for review of status report.
Bud Wilson, Greater West Portal Neighborhood Assn. - against plan
Lance Ortiz, Jr. - against plan
Hilda Bernstein - against plan
Don Bertone, Potrero Residents - supports redistricting
John Bardis, Inner Sunset Action Committee - against plan

Motion by Commissioner Lee, seconded by Commissioner Campana to approve redistricting plan as described in the memo of May 30, 1991 and on November 6th to have the department report back to the Commission on how the plan is working and what adjustments, if any are necessary. Motion passed unanimously.

RESOLUTION NO. 133-91

REDISTRICTING OF POLICE STATIONS

WHEREAS, the public discussion on redistricting of police stations was called, it having continued from meeting of July 10, 1991;

RESOLVED, that the Police Commission hereby unanimously approves the change in boundaries in redistricting the nine police stations.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 134-91

REVISED GENERAL ORDER #M-1, "POLICE DISTRICT BOUNDARIES"

RESOLVED, that the Police Commission hereby approves revised General Order #M-1, "Police District Boundaries", which rescinds M-2 through M-9.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

HEARING OF OFFICER MICHAEL J. WALSH, RECORD ROOM

The hearing of Police Officer Michael J. Walsh, Record Room, was called it having been set for this date. Officer Walsh was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Falsely reporting himself sick (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Disobeying a lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Willis A. Casey, Chief of Police of the San Francisco Police Department.

Officer Michael J. Walsh appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution. Mr. Akins summarized the charges and announced amendments to paragraphs (19) and (20) under Specification No. 3. The amendments were unanimously accepted by the Commission.

Mr. Casimir Wilson made an opening statement for the Defense. Officer Walsh made a plea of no contest to the charges.

The following witnesses were called by the Defense, were sworn and testified:

Sergeant George Toy, Support Services Division
Kenneth D. Parker, Toxicologist,
Probe-Scientific
Services, El Cerrito, CA
Dr. Bert Levenson, Psychiatrist, 2166 Hayes St.,
San Francisco, CA
Officer Michael Walsh, Record Room

The following exhibits were entered into evidence by the Defense:

Exhibit A Kenneth Dean Parker - Curriculum Vitae

Exhibit B Dr. Hubert "Bert" Sheldon Levenson - Curriculum Vitae (4 pages)

Exhibit C Attendance Records of Officer Michael Walsh at AA Meetings

Closing statement was made by Mr. Casimir Wilson for the Defense.

Based on those findings, the Commission requested a recommendation from Chief of Police Willis A. Casey. It is the recommendation of the Chief of Police that Officer Michael J. Walsh be terminated.

The Commission took the matter under submission, deliberated and returned, and the following resolution was adopted:

RESOLUTION NO. 135-91

DECISION - HEARING OF OFFICER MICHAEL J. WALSH

WHEREAS, on April 19, 1991, Willis A. Casey, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Michael J. Walsh as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Michael J. Walsh, Star Number 2152 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Record Room:

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On September 26, 1990, the accused was assigned to the Record Room, Technical Services Division, San Francisco Police Department and scheduled to work from 1600 hours to 2400 hours;

(4) On September 26, 1990, at or about 1430 hours, the accused called Lieutenant Richard Baker, Officer in Charge of the Record Room Unit, and requested that he be carried on the time rolls as watch off, i.e., "VA" (to indicate he is on vacation leave).

(5) Because of short staffing in the Record Room and the accused having taken much time off during the previous two months, Lieutenant Baker denied his request for vacation leave;

(6) The accused stated that, in that case, he would be carried "SP" (sick leave with pay) and terminated the conversation;

(7) The accused did not report for duty on September 26, 1990;

(8) The accused was not ill and by his own admission had spent a good portion of the day drinking beverage alcohol;

(9) By failing to report for duty after his request for vacation leave was denied and by falsely stating he was entitled to be carried on sick leave with pay status, as alleged hereinabove, the accused had engaged in conduct which violated Rule B-3 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall not falsely report themselves sick or injured."

SPECIFICATION NO. 2

(10) Each and every allegation contained in paragraphs (1) through (9) of Specification No. 1 above, is hereby realleged and incorporated herein by reference as though set forth in full;

(11) On September 26, 1990, at or about 1835 hours, a Sergeant assigned to Ingleside Station was dispatched to 128 Marietta Drive, San Francisco, on the report of a domestic disturbance made by telephone to Ingleside Station;

(12) On September 26, 1990, at or about 1835 hours, when the Sergeant arrived at 128 Marietta Drive, she saw the accused sitting on the front steps of the residence wearing a tee shirt and shorts. When the Sergeant pat searched the accused to ascertain if he was armed, she smelled a heavy odor of alcoholic beverage on the accused's breath;

(13) On September 26, 1990, at or about 1835 hours, the accused admitted that he had been drinking heavily; the woman who had called for help informed the Sergeant that the accused had not harmed her, but that there had been an argument; the Sergeant sought guidance and was told that in the absence of any criminal activity, she should leave the house and submit a memorandum;

(14) Later the same evening, on September 27, 1990, at or about 0055 hours, another Sergeant was dispatched to 128 Marietta Drive on a further complaint concerning the accused's conduct; when the Sergeant arrived at the scene, the accused was across the street from 128 Marietta Drive and the accused appeared to be extremely intoxicated. Because of the long history of domestic disturbances, the platoon commander at Ingleside Station, Lt. Roy Hicks, through the Sergeant at 128 Marietta Drive, ordered the accused to enter the Sergeant's vehicle and accompany the Sergeant to Ingleside Station;

(15) In response to the order from Lt. Hicks to accompany the Sergeant to Ingleside Station, the accused stated that he did not care what punishment might befall him; he refused to obey the order and did not comply with the order;

(16) Immediately after the accused refused to obey his order through the Sergeant, Lt. Hicks personally responded to 128 Mariettta Drive, and again directly ordered the accused to enter the Sergeant's patrol vehicle for transportation to Ingleside Station which the accused finally did;

(17) By refusing the direct order to enter the Sergeant's vehicle for transportation from 128 Marietta Drive to Ingleside Station and causing Lt. Hicks to have to respond to 128 Marietta Drive and take personal charge of the situation, and again to forcefully order him into the Sergeant's vehicle, the accused has been unsubordinate and violated Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors..."

SPECIFICATION NO. 3

(18) Each and every allegation contained in paragraphs (1) through (9) of Specification No. 1 and each and every allegation contained in paragraphs (11) through (16) of Specification No. 2 above, is hereby realleged and incorporated herein by reference as though set forth in full;

(19) The accused and his co-tenant at 128 Marietta Drive have a long history of domestic disturbances which required Police response and indicated alcohol abuse by the accused;

(20) In 1985 and again on April 9, 1990, the accused was suspended by the Chief of Police for similar behavior and subjected to random testing for substance abuse after the Chief of Police found that the accused had engaged in a course of conduct involving domestic disturbances while under the influence of alcohol requiring police response;

(21) On or about September 27, 1990, at 0055 hours, the accused was off duty and present near his residence located at 128 Marietta Drive, City and County of San Francisco, State of California;

(22) On September 26, 1990, at 1830 hours and on September 27, 1990, at 0050 hours, the accused's co-tenant at 128 Marietta Drive, called the San Francisco Police Department to respond to the premises because of her fear of the accused in his intoxicated condition;

(23) On or about September 27, 1990, at or about 0055 hours, the accused had consumed beverage alcohol to the point where he was intoxicated in a public place in violation of Penal Code Section 647(F) which states:

Every person who commits any of the following acts is guilty of a misdemeanor:

....

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluence, or any

combination of any intoxicating liquor, drug, controlled substance, or toluene, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

(24) The accused by continuing a course of behavior involving domestic disturbances in connection with alcohol abuse requiring police response has engaged in conduct which subverts the good order, efficiency and discipline of the department and which discredits the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 24, 1991, and on July 24, 1991, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1, No. 2 and No. 3 as preferred by the Chief of Police against Police Officer Michael J. Walsh are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFATIONS NO. 1, NO. 2 AND NO. 3

Termination

and be it further

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF OFFICER MICHAEL J. WALSH, RECORD ROOM

The hearing of Police Officer Michael J. Walsh, Record Room, was called it having been set for this date. Officer Walsh was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Willis A. Casey, Chief of Police of the San Francisco Police Department.

Officer Michael J. Walsh appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution. Mr. Akins summarized the charges and announced amendments to paragraphs (12), (13), (15) and (16) under Specification No. 2. The amendments were unanimously accepted by the Commission.

Mr. Casimir Wilson made an opening statement for the Defense. Officer Walsh made a plea of no contest to the charges.

The following witnesses were called by the Defense, were sworn and testified:

Sergeant George Toy, Support Services Division
Kenneth D. Parker, Toxicologist,
Probe-Scientific
Services, El Cerrito, CA
Dr. Bert Levenson, Psychiatrist, 2166 Hayes St.,
San Francisco, CA
Officer Michael Walsh, Record Room

The following exhibits were entered into evidence by the Defense:

Exhibit A Kenneth Dean Parker - Curriculum Vitae

Exhibit B Dr. Hubert "Bert" Sheldon Levenson - Curriculum Vitae (4 pages)

Exhibit C Attendance Records of Officer Michael Walsh at AA Meetings

Closing statement was made by Mr. Casimir Wilson for the Defense.

Based on those findings, the Commission requested a recommendation from Chief of Police Willis A. Casey. It is the recommendation of the Chief of Police that Officer Michael J. Walsh be terminated.

The Commission took the matter under submission, deliberated and returned, and the following resolution was adopted:

RESOLUTION NO. 136-91

DECISION - HEARING OF OFFICER MICHAEL J. WALSH

WHEREAS, on May 2, 1991, Willis A. Casey, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Michael J. Walsh as follows:

SPECIFICATION NO. 1

(1) At all times mentioned, Michael J. Walsh, Star Number 2152 (hereinafter referred to as "the accused") was and is a police officer holding the rank of Q-2 Police Officer, employed by the San Francisco Police Department and assigned to the Technical Services Bureau, Records Section;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about March 3, 1991, at 0016 hours, a South San Francisco Police Officer observed the accused operating a motor vehicle westbound on Grand Avenue near its intersection with Maple Street in the City of South San Francisco, County of San Mateo, State of California;

(4) On March 3, 1991, at 0016 hours, the accused executed a U-turn with his motor vehicle in the intersection of Grand Avenue and Maple Street and continued operating his vehicle eastbound on Grand Avenue;

(5) On March 3, 1991, the intersection of Grand Avenue and Maple Street was posted in all four directions with traffic regulation signs prohibiting U-turns in that intersection;

(6) The South San Francisco Police Officer executed a traffic stop of the accused for executing an illegal U-turn (conduct which would constitute a violation of California Vehicle Code Section 22101(d);

(7) The South San Francisco Police Officer who executed the traffic stop determined that the accused was operating his automobile while under the influence of alcohol, and placed the accused under arrest for violation of California Vehicle Code Section 23152(a);

(8) In connection with the arrest on March 3, 1991, at 0145 hours, the accused provided a urine specimen for testing pursuant to the terms of California Vehicle Code Section 13353; the specimen was transmitted to a laboratory for analysis. The analysis determined that at 0145 hours, the accused's blood contained .16% alcohol by weight;

(9) California Vehicle Code Section 23152(b) makes it a misdemeanor offense to operate a motor vehicle with 0.08% or more alcohol in the blood by weight;

(10) The accused by driving a motor vehicle on the public highway while under the influence of alcohol and driving an automobile on the highway with a blood alcohol contents of .16 percent by weight engaged in conduct which violated California Vehicle Code Section 23152(a) and (b), and therefore has engaged in conduct which violated Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(11) Paragraphs (1) through (10) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(12) On March 3, 1991, the accused was held by the South San Francisco Police Department from the time of his arrest at 0038 hours until he was released at 0216 hours at the South San Francisco Police Department;

(13) During the period the accused was held at the South San Francisco Police Department, the accused became aggressive, loud, unruly and disruptive.

(14) Because the accused is a peace officer, the South San Francisco Police Department did not book the accused into the County Jail out of fear for his safety if he were placed in the general jail population. Therefore, the decision was made to cite the accused and to release the accused to the custody of his sister;

(15) The accused before his release, upon learning of this decision to release him to the custody of his sister, became loud, aggressive and disruptive; he demanded to be booked and placed in the County Jail;

(16) The accused, in refusing to cooperate with the South San Francisco Police Department while in custody by becoming loud, aggressive, and disruptive and by demanding to be booked into the San Mateo County Jail instead of being cited and released as alleged above, has engaged in conduct which brings discredit on the San Francisco Police Department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 24, 1991, and on July 24, 1991, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Michael J. Walsh are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATIONS NO. 1 AND NO. 2

Termination

and be it further

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was thereafter adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6275M

=[MINUTES]

JULY 31, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, July 31, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

APPROVAL OF MINUTES OF MEETING OF JUNE 26, 1991

Approval of Minutes of Meeting of June 26, 1991, the Commissioners having received, approved, and returned copies of same.

DOCUMENTS DEPT.

NOV 8 - 1991

SAN FRANCISCO PUBLIC LIBRARY

CONSENT CALENDAR

RESOLUTION NO. 140-91

REMOVAL OF APPLICANT STANLEY FONG FROM THE TAXICAB MEDALLION LIST

WHEREAS, the request of the Chief of Police for removal of applicant Stanley Fong from the taxicab medallion list was called, it having been set for this date; and

WHEREAS, the Taxi Detail made efforts to locate Mr. Stanley Fong, the next person eligible for a taxicab medallion, but without success; therefore be it

RESOLVED, it is the findings and decision of the Commission that Mr. Stanley Fong's name be removed from the list of taxicab applicants.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

RESOLUTION NO. 141-91

TAXICAB PERMIT APPLICATION OF EYMER DELFEL

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, December 5, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Eymer Delfel, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Eymer Delfel.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

RESOLUTION NO. 139-91

TAXICAB PERMIT APPLICATION OF AGRIPINO ALLORRO

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution no. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, December 5, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permit, that said taxicab owner standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted Agripino Allorro.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

POLICE COMMISSION REPORT

Commissioner Keker discussed the cancellation of meetings in August. Commission agreed to cancel meetings of August 7th and 28th. Discussion was also made regarding joint meeting with the Human Rights Commission on Mayor's Discipline Task Force Report.

b.) PUBLIC COMMENTS

Keith McHenry filed complaint with OCC and discussed other complaints.

Tom Ryan talked about shooting of Sgt. Joel Harms.

Alex Natale, Food not Bombs, discussed OCC complaints.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Fred Lau, Acting Chief, gave the Commission a brief report on the shooting of Sgt. Joel Harms.

Commissioner Campana discussed reprimands issued by Chief in recent discipline matters.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director Eileen Luna reported on staff shortage because of disability and adjustment of case load because of same. Staff shortage and prioritization of cases.

RESOLUTION NO. 142-91

PROPOSED AMENDMENT TO ADMINISTRATIVE CODE SECTION 10 (TOWS)

WHEREAS, the Department of Parking and Traffic was created and is without the authority to conduct tow hearings or reimbursements; and

WHEREAS, it has been recommended that revolving funds be established for the Department of Parking and Traffic; and

WHEREAS, the recommendation is concurred in by the Police Commission; and

WHEREAS, in order to give the Department of Parking and Traffic the authority to conduct tow hearings and reimburse claimants; and

WHEREAS, in order to set up revolving funds for tow claims, it is necessary to amend the Administrative Code; therefore, be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby requests that the attached draft ordinance dealing with the establishment of two (2) tow charge revolving funds be forwarded to the Board of Supervisors for their adoption.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

PUBLIC DISCUSSION ON RACIAL BIAS ON ADMISSION POLICY AT PLACES OF ENTERTAINMENT

Commissioner Craig gave a brief report to the Commission on background of racial bias and discrimination issue brought to her attention. She proposed public hearing to problem and remedies. She suggested legislation similar to that was passed in Washington, D.C. Deputy City Attorney Mara Rosales responded as to possible actions by Commission.

PUBLIC COMMENTS

Byron McQuarters, Vice President/Harvey Milk Democratic Club, discussed problem and stated that others have approached him regarding situation.

Carrington Osborne, Black Caucus Harvey Milk Lesbian/Gay Democratic Club, discussed problem and stated that it occurs in numerous establishments throughout city.

Donald Tarver, Afro-American, stated that it is a problem of color and that identification requirement should be uniform. He asked the Commission to take interest and support sending matter forward for the Board of Supervisors consideration.

Commission discussion was made and matter was continued to August 21st for further discussion and action.

POLICE COMMISSION DISCUSSION ON THE REPORT BY THE INDEPENDENT COMMISSION ON THE LOS ANGELES POLICE DEPARTMENT

Deputy Chief Lau stated that copies of report were given to all captains and above for review and feedback. He stated that suggestions made in report are already being done by our department and others have been implemented. Topics discussed were auditing of mobil video terminal transmissions, community policing, training, recruitment, promotions and excessive force. These were discussed with Captain Fife, Captain Hebel, Lieutenant Carlson and Ms. Eileen Luna of the OCC. OCC is to respond to the report at the meeting of August 21, 1991.

The meeting was thereafter adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6293M

SF MINUTES

AUGUST 1, 1991 SPECIAL MEETING

Police Commissioner Louis Giraudo conducted a Special Meeting on Thursday, August 1, 1991 in Room 551, Hall of Justice, 850 Bryant Street at 7:00 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER DAVID L. FONTANA, HEADQUARTERS COMPANY

The hearing for taking of evidence in the disciplinary charges filed against Police Officer David L. Fontana, Headquarters Company, was called it having been set for this date.

DOCUMENTS DEPT.
NOV 15 1991
SAN FRANCISCO
PUBLIC LIBRARY

Mr. Richard Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer David L. Fontana appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was made by Mr. Richard Corriea for the Prosecution.

An opening statement was made by Mr. Stephen Whitmore for the Defense.

The following witnesses appeared for the Prosecution, were sworn and testified:

Officer Edward St. Andre, Headquarters Co.
Sergeant Ed Dullea, Headquarters Co.
Officer Michael Travis, Headquarters Co.
Charles Gallman, OCC Investigator

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Video tape of decoy operation, 1/27/90

Exhibit #2 Audio tape of decoy operation, 1/27/90

Exhibit #3 Copy of Incident Report #900125885, 1/27/90

Exhibit #4 Audio tape of interview of Gary Wiseman by Charles Galmann, OCC Investigator

Mr. Stephen Whitmore made to motion to dismiss the case. The motion was denied by Commissioner Giraudo.

The following witnesses appeared for the Defense, were sworn and testified:

Sergeant James Hall, Headquarters Co.
Lieutenant John Portoni, Headquarters Co.
Officer David Fontana, Headquarters Co.

The meeting was then adjourned to be continued to a later date not yet scheduled.

Recess taken during the hearing of Officer Fontana:

8:50 a.m. to 9:05 a.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6224M/1

The Police Commission Meeting of August 7, 1991 was cancelled. The next Regular Meeting will be on August 14, 1991.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt

[MINUTES]

AUGUST 14, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, August 14, 1991 at 1630 hours in Closed Session.

Attorney-Client Conference

Alie Beth Zandstra vs. CCSF, et al
De La Cerda vs. CCSF

AUGUST 14, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 14, 1991 at 1730 hours in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF JULY 10, 1991

Approval of Minutes of Meeting of July 10, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.

NOV 15 1991

SAN FRANCISCO
PUBLIC LIBRARY

CONSENT CALENDAR

RESOLUTION NO. 146-91

AUTHORIZING ACCEPTANCE OF REWARD FROM MR. PETER WADE TO OFFICER ABEL O. MARTINEZ, CENTRAL STATION

RESOLVED, that the Police Commission hereby authorizes Officer Abel O. Martinez, Central Station, to accept a reward of a $10.00 Emporium Gift Certificate from Mr. Peter Wade for services rendered on July 15, 1991.

AYES: Commissioners Campana, Craig, Giraudo, Kekek, Lee

RESOLUTION NO. 147-91

ALIE ZANDSTRA vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alie Zandstra in the amount of $50,000 in Superior Court No. 912-574 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session on litigation matters and no action was taken.

b.) PUBLIC COMMENTS

Sandra Falabrino discussed narcotics in her building and contacts with police regarding same.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey stated that he and the mayor had a press conference regarding decline in all crime areas. He also reported that he will be on vacation for next ten days.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna, acting director, reported that the second quarter report will ready next week.

RECOMMENDATION OF THE CHIEF OF POLICE FOR ADOPTION OF PROPOSED AMENDMENTS TO SECTIONS 2.26 AND 2.27, SAN FRANCISCO MUNICIPAL POLICE CODE, RELATING TO PERMIT FEES AND FEES FOR MOTOR VEHICLE FOR HIRE PERMITS AND LICENSES

Officer Farrell Suslow from the Permits Section made a presentation. Motion to approve was made by Commissioner Lee and seconded by Commissioner Craig. It was unanimously approved.

RESOLUTION NO. 143-91

PROPOSED AMENDMENTS TO SECTION 2.26 and 2.27, SAN FRANCISCO MUNICIPAL POLICE CODE, RELATING TO PERMIT FEES AND FEES FOR MOTOR VEHICLE FOR HIRE PERMITS AND LICENSES

WHEREAS, the Board of Supervisors adopted Ordinance 562-88, amending Article 16 of the Municipal Police Code establishing a Motor Vehicle for Hire Enforcement Fund and that the fund is to be funded by permit and license fees from the Motor Vehicle for Hire Industry; and

WHEREAS, a need exists for sections to accommodate these new fees; and

WHEREAS, those Motor Vehicle for Hire fees in Sections 2.26 and 2.27 of the Municipal Police Code should be removed from Sections 2.26 and 2.27 and two new sections should be established as 2.26.1 and 2.27.1; and

WHEREAS, the Police Department is the authority under Section 2.26 of the Municipal Police Code for the collection of application fees for regulated activities found within Section 2.26 of the Municipal Police Code; and

WHEREAS, the expenses incurred by the San Francisco Police Department and other city agencies in issuing, regulating and inspecting police permits have increased since the 1986 overall fee amendment to the permit fees; and

WHEREAS, the Permit Section and Taxicab Section have proposed and submitted a schedule of fee revisions and the creation of Sections 2.26.1 and 2.27.1; therefore be it

RESOLVED, that the attached proposed ordinance amending Sections 2.26 and 2.27 of the Municipal Police Code, establishing revised filing fees and deleting filing and license fees for Motor Vehicles for Hire is hereby transmitted to the Board of Supervisors for adoption; and be it further

RESOLVED, that the attached proposed ordinance adding Sections 2.26.1 and 2.27.1 to the Municipal Police Code establishing separate fee schedules for Motor Vehicles for Hire is hereby transmitted to the Board of Supervisors for adoption.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 144-91

APPOINTMENT OF A HEARING OFFICER FOR PUBLIC CONVENIENCE AND NECESSITY HEARINGS FOR TAXICAB

WHEREAS, the appointment of a Hearing Officer for Public Convenience and Necessity Hearings was called, it being requested by the Chief of Police; and

WHEREAS, Captain Michael Hebel was appointed by the Chief of Police as Hearing Officer; therefore be it

RESOLVED, the Police Commission unanimously approves the appointment of Captain Michael Hebel as Hearing Officer for Public Convenience and Necessity Hearings.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 145-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF A DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER MARLENE E. WILLHOITE, TENDERLOIN TASK FORCE

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer Marlene E. Willhoite, Tenderloin Task Force, was called it having been set for this date; and

WHEREAS, Commissioner Edward Campana is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Willhoite; and

WHEREAS, neither Officer Willhoite nor her representative was present at the meeting; therefore be it

RESOLVED, that the setting of date for taking of evidence is continued to Wednesday, August 21, 1991 at 5:30 p.m. in Room 551, Hall of Justice, when Officer Willhoite or her representative will be present.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

PUBLIC DISCUSSION WITH THE HUMAN RIGHTS COMMISSION ON THE MAYOR'S DISCIPLINE TASK FORCE REPORT

Joint hearing with Human Rights Commission, Mr. Larry Martin, Vice Chairman and Fr. William Sammon.

Mr. Martin thanked the Commission for having joint hearing.

PUBLIC COMMENTS:

Alex Natale-Coalition on Homelessness
Frank Martin Del Campo-Local 790, discussed review by arbitrator and arbitration.
Gerard Koskovich discussed lack of confidence in discipline system, communications from OCC and lack of response to written correspondence.

The two commissions disccussed OCC hearing process and recommendations. John Parker, OCC Investigator, responded. Discussions by Eli Aramburo, OCC Staff Attorney, members of the commissions, Jill Tregor, Deputy Mayor Gayle Orr-Smith and Mary Vail. The discussion also included prioritization and time lines of cases, pro bono hearing officers and investigatory hearings. They also discussed adding personnel to the OCC staff and budget concerns regarding adding more hearing officers.

Mr. Larry Martin expressed concerns about adding more staff and efficient management. Commissioner Giraudo suggested that the commission receive from the OCC a justification for the increase of four people some time in late November for budgetary consideration by the Mayor's staff.

Presentation of OCC regarding justification of four additional investigators is calendared for November 13.

At this time, Chief Casey discussed procedures for lack of cooperation by officers. He stated that the situation has improved since directives issued by Chief.

ITEMS CALENDARED AS A RESULT OF THE DISCUSSIONS CONCERNING THE TASK FORCE REPORT:

Hearing on Police regarding OCC Investigatory Hearings - October 2nd.

Hearing on Chief's Recommendation regarding Delegation on Discipline Authority and Discipline Schedule - November 6th.

Hearing on Arbitration - October 23rd.

Hearing on other issues to include OCC Mediation of Minor Complaints, Increase in Chief's Disciplinary Power and Changes on how Commission decides cases - October 30th.

After setting the above dates, the "Openess of OCC Process" was discussed and both the Human Rights Commission and the Police Commission agreed that they will each send a letter to the Mayor's Office urging that the openness process be included in MOU (Memorandum of Understanding) negotiations.

The meeting was thereafter adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6311M

[MINUTES]

AUGUST 21, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 21, 1991, at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioners Giraudo

APPROVAL OF MINUTES OF MEETING OF JULY 17, 1991

Approval of Minutes of Meeting of July 17, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
NOV 15 1991
PUBLIC LIBRARY

CONSENT CALENDAR

RESOLUTION NO. 151-91

RECEIPT OF $500.00 CHECK FROM THE SAN FRANCISCO CHAMBER OF COMMERCE AS REWARD FOR SERVICES RENDERED

RESOLVED, that the Police Commission hereby approves the acceptance of a $500.00 check from the San Francisco Chamber of Commerce as reward for services rendered, said check to be disbursed to the proper party by the Mayor's Office.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission did not meet in executive session therefore has nothing to report. He further stated that a subcommittee of the Civil Grand Jury is looking at the Police Commission and the Police Department this year. They have met with Deputy Mayor Gayle Orr-Smith and Commissioner Keker already. They were given the department goals for this year and they wish to visit the district stations. The Grand Jury will continue their evaluation throughout the year and the department can expect a report at the end of the year.

Commissioner Campana reported regarding the search for a new director of the OCC. He stated that a screening committee has been established. They will meet about September 24th to review the first round of applicants. About October 15th, they should be able to submit a list of finalists to Commission and hopefully by the end of October name a new director.

b.) PUBLIC COMMENTS

Al Trigueiro, President of POA, discussed officer safety problems regarding radio transmission in Geneva Towers, Ingleside District. This problem places officers in dangerous situations. Captain Robert Fife commented regarding communications concerns and stated that there are dead spots in those areas. Commander James Arnold responded and stated that until situation can be corrected, effective immediately, four officers will respond to calls in areas of concern. Captain Fife is to

report back to the Commission on September 4th and update situation. Commissioner Keker discussed possibility of Chief's newsletter regarding department events.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Lau reported on shooting in the Ingleside District of a home of a community leader. He also discussed that Judge Peckham has issued a decision regarding Sergeant/Inspectors appointments.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Eileen Luna, Acting Director, reported on statistics and pending case load.

OCC RESPONSE TO THE REPORT BY THE INDEPENDENT COMMISSION ON THE LOS ANGELES POLICE DEPARTMENT RELATING TO COMPLAINT PROCEDURES

Ms. Eileen Luna responded to Independent Commission report relating to complaint procedures. She discussed one on one complaints and PIP (Performance Improvement Program) binders. The Commission discussed procedures in place, recategorizing of some cases, i.e. "Not Sustained" vs. "Not Resolved", and also discussed reports received from OCC and officer credibility issues.

DISCUSSION ON CONFIDENTIALITY STATEMENT AS REQUIRED BY OCC HEARING RULE 501.1c

Judy Highlander, attorney for Captain Richard Cairns, discussed her position on confidentiality statement. She discussed whether the form had been approved by the Commission. Ms. Ellie Aramburo, OCC Attorney, responded. Casimir Wilson, Bley and Bley, discussed integrity of investigation process and right of privacy of participants. The Commission asked city attorney to draft a new confidentiality statement and the matter is calendared for public discussion on September 4th.

PUBLIC DISCUSSION AND ACTION ON RACIAL BIAS ON ADMISSION POLICY AT PLACES OF ENTERTAINMENT

Ms. Mara Rosales, Deputy City Attorney, stated that the Board of Supervisors has authority to adopt ordinance regarding identification required at business establishments. She discussed amendments to Police Code Article 33. She also discussed recent actions by Board of Supervisors dealing with similar concerns. The Commission discussed number and types of identification to be required. City Attorney to research further and matter was put over to September 11th.

RESOLUTION NO. 148-91

REQUEST FOR TRANSFER OF $3,000 FROM 001 PERMANENT SALARY ACCOUNT TO 120 OTHER SERVICES ACCOUNT

RESOLVED, that the request of the Acting Director, Office of Citizen Complaints, for transfer of $3,000 from the 001 Permanent Salary Account to 120 Other Services Account, is hereby approved.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Campana reported that six silver medals of valor and five bronze medals of valor were approved by the committee and he reported on the incidents involving the meritorious conduct of officers involved. Motion by Commissioner Campana seconded by Commissioner Craig to approve. It was unanimously approved.

Commissioner Keker then discussed the fact that only civil service captains sit on the Awards Committee meetings and that some of the present captains are not civil service and that the Commission should consider expanding the committee. He recommends the department to consider same.

RESOLUTION NO. 149-91

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, August 16, 1991; and

WHEREAS, Acting Chief of Police Fred Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Inspector Lewis Bronfeld, Officer Peter Siragusa, Officer Clifton Fogarty, Officer Douglas Clennell and Officer David Kranci are hereby awarded the Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Lieutenant Barry Johnson, Sergeant Donald O'Connor, Officer Daniel Mahoney, Office Robert Bohanan and Officer Robin Matthews, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

RESOLUTION NO. 150-91

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER MARLENE E. WILLHOITE, TENDERLOIN TASK FORCE

WHEREAS, the setting of date to conduct taking of evidence by Commissioner Campana in the disciplinary charges filed against Police Officer Marlene E. Willhoite, Tenderloin Task Force, was called it having been set for this date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Edward Campana is scheduled for Tuesday, September 24, 1991 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

REQUEST FOR APPROVAL OF PROPOSED RULE REQUIRING POLICE DISCIPLINARY TRIALS BE OPEN TO THE PUBLIC WITH LIMITED EXCEPTIONS

Continued to September 4th.

RESOLUTION NO. 152-91

POLICE COMMISSION REVIEW AND ACTION ON RULES GOVERNING TRIALS OF DISCIPLINARY CASES

RESOLVED, that the Police Commission has reviewed the Rules Governing Trials of Disciplinary Cases and approves with the following amendment: "Section IV. Review of Rules" is hereby deleted.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

The meeting, thereafter, was adjourned at 7:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6319M

SF [MINUTES]

AUGUST 22, 1991 SPECIAL MEETING

Police Commissioner Gwenn Craig conducted a Closed Session on Thursday, August 22, 1991, in Room 551, Hall of Justice, 850 Bryant Street at 10:30 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been continued from the meeting of August 8, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

DOCUMENTS DEPT.
NOV 15 1991
SAN FRANCISCO

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witnesses appeared for the Defense, were sworn and testified:

Sergeant Maureen D'Amico, #2058, Police Academy
Officer Elizabeth Loew, #2060, Central Station
Officer Arlene George, #2063, Warrant Bureau
Officer Anne Tagoilelagi, #2250, Southern Station

The meeting was then adjourned to be continued to Friday, August 23, 1991 at 10:00 a.m.

Recesses taken during the hearing of Sergeant Hensic:

11:30 a.m. to 11:50 a.m.
12:35 p.m. to 1:50 p.m.
2:40 p.m. to 2:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6367M

SP [MINUTES]

AUGUST 23, 1991 SPECIAL MEETING

Police Commissioner Gwenn Craig conducted a Closed Session on Friday, August 23, 1991, in Room 551, Hall of Justice, 850 Bryant Street at 10:20 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been continued from the meeting of August 22, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witnesses appeared for the Defense, were sworn and testified:

Captain Richard Holder, Potrero Station
Officer Susan Roth, #719, Southern Station
Officer Marty Lalor, #873, Ingleside Station

The meeting was then adjourned at 3:35 p.m. to be continued to Wednesday, August 28, 1991 at 5:30 p.m.

Recesses taken during the hearing of Sergeant Hensic:

11:00 a.m to 11:20 a.m.
11:30 a.m. to 1:40 p.m.
2:35 p.m. to 2:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6367M/2

SF [MINUTES]

AUGUST 28, 1991 SPECIAL MEETING

Police Commissioner Gwenn Craig conducted a Closed Session on Wednesday, August 28, 1991, in Room 551, Hall of Justice, 850 Bryant Street at 5:30 p.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been continued from the meeting of August 23, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

Mr. Peter Furst made a motion to continue this hearing to September 26 and 27, 1991. The motion was granted.

The meeting was then adjourned to be continued to Thursday, September 26, 1991, 9:30 a.m. and Friday, September 27, 1991, 9:30 a.m. in Room 551, Hall of Justice.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6367M/3

The Police Commission Meeting of August 28, 1991 was cancelled. The next Regular Meeting will be on September 4, 1991.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt

[MINUTES]

SEPTEMBER 4, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 4, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF JULY 24, 1991

Approval of Minutes of Meeting of July 24, 1991, the Commissioners having received, approved and returned copies of same.

RESOLUTION NO. 156-91

HEARING OF LIEUTENANT RICHARD BAKER, TARAVAL STATION

WHEREAS, on July 16, 1991, Willis A. Casey, Chief of Police, made and served charges against Police Lieutenant Richard Baker, Taraval Station, as follows:

SPECIFICATION NO. 1

Engaging in inappropriate comments and/or conduct which has the purpose or effect of interfering with work performance and/or creates an intimidating, hostile, embarrassing or offensive work environment (a violation of Rule VI, (B) and VIII (A) and (B) of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department);

Engaging in disparate, unequal and/or different treatment of female members (a violation of Rules VI, VII & VIII of General Order D-17 of the San Francisco Police Department);

WHEREAS, the Police Commission set September 4, 1991, as the date for the hearing on charges filed against Lieutenant Richard Baker; and

WHEREAS, Mr. Robert Martin, Attorney at Law for the San Francisco Police Department, announced that Lieutenant Richard Baker has retired from the San Francisco Police Department, said retirement effective close of business August 2, 1991; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department files against Lieutenant Richard Baker, Taraval Station, be, and the same are hereby continued off calendar.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission has nothing to report.

a.) MOTION ON CALENDARING OF NEW MATTERS

Recalendar Admission Policy, scheduled next week, for September 25.

DOCUMENTS DEPT
NOV 25 1991
SAN FRANCISCO
PUBLIC LIBRARY

b.) PUBLIC COMMENTS

Keith McHenry, Food not Bombs, requested that all property taken in various incidents be returned. Commissioner Keker ordered the department to check the status of confiscated property and report back to the Commission on September 11th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey requested permission to attend symposium in Quantico, VA from October 15th through October 18th. Permission was granted. He also discussed and presented report of staffing shortage of personnel. Chief Casey also discussed the radio transmission and reception difficulties in areas of the city.

Captain Robert Fife, Communications, presented a report on a committee study of radio transmission and reception difficulties. After the presentation, Commissioner Keker scheduled September 25th for hearing and discussion on final report of communications problems.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Barbara Attard discussed statistics presented and stated that the case load is up and the case review committee met and some cases were closed. The case load is now below 700 and the committee will continue to meet and close out cases that are completed.

PUBLIC DISCUSSION ON CONFIDENTIALITY STATEMENT AS REQUESTED BY OCC HEARING RULE 501.1c

Ms. Mara Rosales and Ms. Miriam Morley, City Attorney's Office, presented revisions of confidentiality statement. Judy Highlander, representing Captain Cairns, presented proposed revisions and comments. Steve Whitmore, representing POA, offered comments and proposed revisions. Rachael Lederman, representing various groups, commented on same. Mr. John Crew, ACLU, commented on proposal. Ellie Aramburo, OCC Staff Attorney, commented regarding statement proposal. Discussion followed regarding possibly opening OCC hearings.

After lengthy discussion, the matter was put over to September 11th for further discussion and possible amendments to confidentiality rule.

RESOLUTION NO. 153-91

REQUEST OF THE CHIEF OF POLICE FOR ADOPTION OF PROPOSED CHANGE IN ADMINISTRATIVE CODE SECTION 10B.2 PERTAINING TO PAYMENT FOR SPECIAL LAW ENFORCEMENT SERVICES

WHEREAS, the City and County collects 22.5% of the overtime generated by Special Law Enforcement Services under Administrative Code Section 10B.2 as administrative overhead; and

WHEREAS, the Police Department does not receive any of the 22.5% for internal administrative purposes; and

WHEREAS, the Police Department incurs costs to oversee the administration of Section 10B.2 of the Administrative Code; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt the attached ordinance which will enable the Police Department to receive 25% of the administrative overhead collected to cover internal administrative expenses.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 154-91

REQUEST FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $65,000 FOR A TOW REIMBURSEMENT REVOLVING FUND

WHEREAS, at its meeting of July 31, 1991, the Police Commission approved Resolution No. 142-91; and

WHEREAS, Resolution No. 142-91 requests the amendment of Administrative Code Section 10; and

WHEREAS, Resolution No. 142-91 requests the creation of a cash revolving fund; and

WHEREAS, it is necessary to request a supplemental appropriation to fund the cash revolving fund; therefore be it

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation totaling $65,000 so that a cash revolving fund can be created within the Police Department to handle the tow reimbursement process.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 155-91

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT AND EXPEND GRANT FUNDS FROM THE STATE OFFICE OF TRAFFIC SAFETY IN THE AMOUNT OF $335,000

WHEREAS, traffic safety and the enforcement of traffic laws is very important to the Police Department; and

WHEREAS, the Police Department has been given an opportunity to apply for a "Public Awareness, Education and Enforcement" grant from the California Office of Traffic Safety (OTS); and

WHEREAS, the first year grant amount would be $335,000 with no local match; and

WHEREAS, the second year grant amount would be $125,000 with a local match of $125,000; and

WHEREAS, we anticipate that the grant will be revenue producing for the City through citations and related fines; and

WHEREAS, we anticipate that the grant will increase traffic safety; therefore, be it

RESOLVED, that the Police Commission hereby approves a request to apply for, accept and expend a grant for "Public Awareness, Education and Enforcement", with a first year grant amount of $335,000 with no local match and a second year grant amount of $125,000 with a local match of $125,000.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

REQUEST FOR APPROVAL OF PROPOSED RULE REQUIRING POLICE DISCIPLINARY TRIALS BE OPEN TO THE PUBLIC WITH LIMITED EXCEPTIONS

Ms. Mara Rosales, Deputy City Attorney, presented the proposed rule. It was then approved.

(Resolution to follow)

The meeting, thereafter, was adjourned at 7:15 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6332M

[MINUTES]

SEPTEMBER 11, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, September 11, 1991, at 5:15 p.m. in Closed Session.

Attorney-Client Conference

Harry Andrews vs. CCSF, et al

SEPTEMBER 11, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 11, 1991, at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

APPROVAL OF MINUTES OF MEETING OF JULY 31, 1991

Approval of Minutes of Meeting of July 31, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.

NOV 25 1991

SAN FRANCISCO PUBLIC LIBRARY

CONSENT CALENDAR

RESOLUTION NO. 159-91

TAXICAB PERMIT APPLICATION OF JOHN McPHERSON

WHEREAS, the San Francisco Police Commission pursuant to its authority under Article 16 of the Municipal Police Code appointed a Hearing Officer who conducted hearings from June 11, 1990 through June 18, 1990, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, December 5, 1990, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that John McPherson, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John McPherson.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 160-91

HARRY ANDREWS vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Andrews in the amount of $20,000 in Superior Court No. 819-911 for damages sustained, be, and the same is hereby approved.

Date of Incident: March 3, 1983

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

POLICE COMMISSION REPORT

Commissioner Keker stated that the Department Goals (Item #10) has been postponed and recalendared for the meeting of September 25th. Commissioner Keker stated that the Commission met on a litigation matter and no vote was taken.

a.) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Keker stated that on September 25th, at the request of persons in the Mission District who are concerned about the number of officers available in the Mission, the Commission is calendaring the matter for public to express their concerns and the department to respond.

He announced that Officer Michael Toropovsky decision is rescheduled from September 25 to October 23; October 9th meeting cancelled; Officer Clifton Matthews setting of date matter is reset from October 9th to October 2nd.

In November, OCC Justification of Additional Investigators rescheduled from the 13th to the 6th. Central Station Disctrict meeting scheduled for the 20th is moved to the 13th and November 27th meeting is cancelled.

November 20th, December 25th and January 1st meetings are cancelled.

b.) PUBLIC COMMENTS

Lynn Childs - president/Crime Prevention Council, 1280 Laguna, discussed 911 concerns and crime problems in the area of her residence. Commander Shippy to schedule meeting to address problems with her.

Andy Solo informed Commission regarding attendance of Mission residents for the September 25th meeting.

Geralding Earp, Senior Action Network, discussed 911 system.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey stated that Sergeant Michael Seybold will respond to previous complaint by Keith McHenry regarding property taken from Food Not Bombs group.

Sergeant Seybold then stated that he has looked into the matter and that 10 releases for property were issued July 10, and that another 20 have been prepared and he is waiting for Mr. McHenry to pick them up. The department will then discuss with Mr. McHenry any other incidents in which property was taken and resolve at that time.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Eileen Luna reports that the investigation re Keith McHenry, et al has been completed and letters are being sent to the complainants and officers involved.

PUBLIC DISCUSSION ON CONFIDENTIALITY STATEMENT AS REQUIRED BY OCC HEARING RULE 501.1c

Ms. Mara Rosales, Deputy City Attorney, presented proposed changes as suggested by other attorneys involved in hearing set for September 16. Mr. Casimir Wilson, attorney for Police Officers Association (POA) asked Commissioner Keker for clarification that any changes on confidentiality statement only apply to hearing of September 16th only and Commissioner Keker confirmed.

Margaret Pendergast, attorney for Captain Fife, agreed to changes as to September 16th. Rachel Lederman, attorney for complainants, commented on changes. Neil Eisenberg, attorney for Captain Cairns, discussed statement and stated that he will not sign confidentiality statement.

Ms. Mara Rosales advised the Commission that they approve statement submitted by Bley and Bley as amended and allow hearing officer to interpret and enforce the rules.

Motion was made by Commissioner Campana, seconded by Commissioner Lee and it was unanimously approved.

RESOLUTION NO. 158-91

CONFIDENTIALITY STATEMENT AS REQUIRED BY OCC HEARING RULE 501.1c

RESOLVED, that the confidentiality statement with proposed changes is hereby approved as amended for purposes of OCC hearing scheduled for September 16, 1991; motion made by Commissioner Campana and seconded by Commissioner Lee and unanimously approved by the Commission.

AYES: Commissioners Campana, Keker, Lee
ABSENT: Commissioners Craig, Giraudo

The meeting, thereafter, was adjourned at 6:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6347M

[MINUTES]

SEPTEMBER 18, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met at Glide Memorial Church, Freedom Hall, 330 Ellis Street on Wednesday, September 18, 1991 at 5:00 p.m. in Closed Session.

Personnel Matter

SEPTEMBER 18, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met at Glide Memorial Church, Freedom Hall, 330 Ellis Street on Wednesday, September 18, 1991 at 6:00 p.m. in a Regular Meeting.

Commissioner Keker greeted audience and described duties and responsibilities of Commission.

AYES: Commissioners Campana, Craig, Giraudo, Keker
ABSENT: Commissioner Lee

APPROVAL OF MINUTES OF MEETING OF AUGUST 14, 1991

Approval of Minutes of Meeting of August 14, 1991, the Commissioners having received, approved, and returned copies of same.

DOCUMENTS DEPT.
NOV 25 1991
SAN FRANCISCO
PUBLIC LIBRARY

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session on a personnel matter and no action was taken.

a.) MOTION ON CALENDARING OF NEW MATTERS

No new matters to be calendared.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey stated that Captain Kowalski will give Chief's report.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna described the function of the OCC and the duties of that office. She also described the complaint procedure.

CAPTAIN GEORGE KOWALSKI, COMMANDING OFFICE, TENDERLOIN TASK FORCE, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain George Kowalski gave brief history of Tenderloin conditions and updated the Commission on crime conditions and presented statistics of arrests since the task force was formed April 1. He also discussed how the personnel of the task force are being used in the Tenderloin.

PUBLIC COMMENTS

Edward Evans commended Captain Kowalski and members of the task force, discussed drug problem at Turk and Jones, prostitution and expressed desire for decoy program to be reinstituted and need for more police officers.

Frank Winston, President/Mid Market UN Plaza Association, discussed drug arrests, prostitution, citations issued and failures to appear in court on citations and arrests in the area.

Fred Carlson, supported Chief Casey and Captain Kowalski and task force and supported closing of sex clubs. He discussed porno shops and prostitution, street musicians at Powell and Market Streets and the drug situation in the civic center area.

Kirwin Perry, manager at 205 Jones, supported police and talked about street crime, persons loitering, crack problem and the city as a sanctuary city.

Eric Taylor discussed crime statistics and drugs in the area.

Edith Lufolf, resident of O'Farrell Street, discussed street drugs.

Phillip Reyes, resident, talked about prostitution and drugs and commended the police officers in the area.

Luci Lui, Senior Escort, spoke for the Chinese seniors in the Tenderloin and discussed problem at 441 Ellis Street regarding trespassers into the building threatening residents and asked for quick response by police. She also talked about homeless shelter next door causing problems.

Victoria Stiff talked of the needs of street people and Tenderloin residents.

Thelma Cavanaugh, resident of Ellis Street, thanked police department for their efforts.

Eric Roberson, resident-Hyde Street, discussed burglaries in area and asked for more beat officers in the area. He also supported street musicians.

Unidentified person discussed social problems and prostitution and suggested setting priorities.

Jane Jackson discussed AIDS project, drug project, and adult movie houses.

Thomas Jones talked about crime in the city and suggested that the old Greyhound Station on 7th Street be used for a jail.

Unidentified person talked about shootings in the Hayes Valley area.

Reverend Cecil Williams, Glide Memorial Church, discussed changes that have taken place over the years in the area and changes with citizens working with police. He discussed the drug problem and the need to work together in dealing with the issues.

Unidentified person stated the need for more black police officers in the Tenderloin.

The meeting, thereafter, was adjourned at 7:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6337M

[MINUTES]

SEPTEMBER 25, 1991 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 25, 1991 at 4:00 p.m. in a Special Meeting.

MEDAL OF VALOR AWARDS CEREMONY

GOLD MEDAL OF VALOR

Lieutenant John Madden
Sergeant Thomas Del Torre
Officer Guillermo Amigo
Officer Lee Dahlberg
Officer Andrew Stoeppelwerth
Reserve Officer Michael Siote

SILVER MEDAL OF VALOR

Lieutenant Joaquin Santos
Sergeant David Shinn
Inspector Larry Camilleri
Inspector Paul Falconer
Asst. Inspector Lewis Bronfeld
Officer Nikolaus Borthne
Officer Mel Cardenas
Officer Matthew Castagnola
Officer Douglas Clennell
Officer Clifton Fogarty
Officer David Kranci
Officer Richard Lee
Officer David Seid
Officer Peter Siragusa
Officer Edward St. Andre
Officer Bernard J. Sullivan
Asst. PSO Alan Stancombe

DOCUMENTS DEPT.
NOV 2 5 1991
SAN FRANCISCO
PUBLIC LIBRARY

BRONZE MEDAL OF VALOR

Lieutenant Barry Johnson
Sergeant John Haggett
Sergeant Donald O'Connor
Asst. Inspector Bob Davis
Officer David Albright
Officer Robert Bohanan
Officer Kenneth Cantamout
Officer John Colla
Officer Kevin Dempsey
Officer Dennis W. Dillard
Officer Timothy Flaherty
Officer George Fogarty
Officer Brett A. Higdon
Officer Thomas King
Officer Daniel Mahoney
Officer Robin Matthews
Officer James Miller*
Officer Michael Moran
Officer Steve Morimoto
Officer Donald Shockley
Officer Bernard J. Sullivan
Officer Bryan Woo
PSO Samuel Reyes

MERITORIOUS CONDUCT AWARDS

Sergeant William Canning
Sergeant James Speros
Inspector Michael Byrne
Inspector Edwin Kenney
Officer Richard Alves
Officer John J. Garrity

*Two Bronze Medal of Valor Awards

SEPTEMBER 25, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 25, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF AUGUST 21, 1991

Approval of Minutes of Meeting of August 21, 1991, the Commissioners having received, approved, and returned copies of same.

CONSENT CALENDAR

RESOLUTION NO. 162-91

REQUEST OF CAPTAIN GEORGE KOWALSKI, TENDERLOIN TASK FORCE, FOR APPROVAL TO ACCEPT FOUR "TREK 7000" MOUNTAIN BICYCLES

RESOLVED, that the request of Captain George Kowalski, Tenderloin Task Force, for approval to accept four "Trek 7000" mountain bicycles donated by Ms. Cecilia Metz, Golden Gate Restaurant Association; Mr. Robert Begley, Hotel Council of San Francisco; Mr. Peter Demos, Parking Association of San Francisco and Mr. Robert Jacobs, San Francisco Hotel Association and San Francisco Taxi Association, estimated value of $500 each, total $2,000 for use by Tenderloin Task Force foot beat officers is hereby approved.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission did not meet in Executive Session and has nothing to report and there are no new matters to be calendared.

b.) PUBLIC COMMENTS

Mr. John Crew discussed clarification of schedule of matters regarding Mayor's Discipline Task Force Report recommendations, OCC budget recommendation and "Openness". Commissioner Keker stated that Openness is included in the investigative hearings schedule and budget will be looked at and discussed at another time. Investigative hearings are scheduled for October 2 meeting.

Mr. John Crew also discussed harassment of homeless persons and lawsuits. He also talked about a decision this date from federal court declaring 647(c), begging law, unconstitutional. He asked the Commission to immediately order the department to stop enforcement of this law. Chief Casey stated that this has already been done.

Geraldine Earp discussed shootings on Willow Street and the projects and asked where are the beat officers that were promised. Commander Shippy responded and scheduled a meeting with her.

Unidentified person discussed "La Casa De Las Madres" is having its name used to solicit money without authorization and possible fraud involvement.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Willis Casey discussed 647c decision and that an order has been issued regarding this matter.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Eileen Luna, Acting Director of OCC, stated that the "Wilcox" investigation has been returned to the OCC, has been completed and letters have been sent.

PRESENTATION OF QUARTERLY REPORT ON DEPARTMENT GOALS

Steve Lutes of Planning presented statistics and made presentation on crime in the city.

At this time, the Commission called the next item out of order.

PUBLIC DISCUSSION ON MANPOWER AVAILABILITY AT MISSION STATION

Speakers were as follows:

Hilda Bernstein, Mayor's Mission Task Force, discussed quality of life in Mission and asked for more officers. She discussed recent meeting of Mission Task Force and recommendations of that group. She asked for a Mission Crime Prevention Program, advisory board with representation of other city agencies, monthly reports, etc. She complimented Captain Newlin and officers of Mission Station for their efforts. She further talked of prostitution, drugs and alcohol abuse in area.

Jack Beathard, owner of Shoenstein Co., stated that there is not enough police, supported police and talked of crime in area.

Barbara Russell discussed crime in Mission and drug dealers.

Andrew Solo, resident, discussed increase of crime on Mission Street, 16th to 24th Streets. Talked of unreported crime and reasons for not reporting. Calling police and waiting for response.

Claudia Grisson, resident, talked of quality of life in the Mission.

Anita Correa, business owner, talked of prostitution, drugs and pimps in the area.

Unidentified person discussed crime, need for more officers.

Marvin Bernstein presented petition from Liberty Hill Association.

Helen Walkazoo, resident of Julian Street, discussed crime in area and prostitution, etc.

Melva Conte, resident, discussed response time when calling police.

Unidentified person talked of overworked patrol officers and crime in the area.

Carl Connel, Capp Street Association, discussed crime in Mission, prostitution and drugs.

John Barbi, Mission resident, talked of crime in area.

Chuch Ayala, resident and Executive Director of Centro Latino De San Francisco, discussed President's letter and crime problems in the area.

Mary Hardin, resident, discussed the need for more resources.

Vivian Izadian, resident, discussed staffing of Koban and lack of staffing. She also discussed communications problems.

Carolyn Goodson, resident, asked for resolution for more police officers to be assigned to the area.

Unidentified resident discussed crime in the city, CPOP Program, 911 and dispatchers.

Mickey Rosaro talked of redistricting.

Brian Duhan suggested that persons report any crime, cooperation of city departments.

After public discussion, the Commission again called item #10, Quarterly Report on Department Goals.

PRESENTATION OF QUARTERLY REPORT ON DEPARTMENT GOALS

Captain Robert Fife presented quarterly goals regarding Communications Section, 911. Discussion was followed by the Commission regarding public education, public service announcements.

Captain Fife also discussed staff shortages of dispatchers and delays in answering 911 or non-emergency calls.

PUBLIC COMMENTS

Geraldine Earp, Senior Action Network, presented letter asking that 911 Task Force recommendations be implemented as soon as possible.

Dorothy Lockridge stated that there is new equipment not being used in Communications and that morale is low.

Rod Rodrigues, Senior Action Network (SAN), stated that the SAN conducted a bake sale and collected $402.00 to purchase a chair and fan for the Communications Section and presented these items to the Commission. A motion was then made and approved unanimously to accept the items.

RESOLUTION NO. 172-91

DONATION OF A CHAIR AND FAN BY THE SENIOR ACTION NETWORK TO COMMUNICATIONS SECTION

RESOLVED, That the donation of a chair and fan by the Senior Action Network to the Communications Section, estimated value $400.00, is hereby approved.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Frank M. Del Campo, Local 790, presented results of health and safety survey.

Edward Evans disucssed 911 concerns and suggested more bilingual dispatchers.

Mary Decker, Communications Dispatcher, suggested more education for public on the 911 System.

After discussion, the matter on Department Goals is continued to October 9th.

PUBLIC DISCUSSION AND ACTION ON BIAS ON ADMISSION POLICY AT PLACES OF ENTERTAINMENT

Deputy City Attorney Mara Rosales presented proposed amendment regarding Bias on Admission Policy. Discussion was followed by the Commission, Ms. Barbara Attard from OCC, Carrington Osborne, Lorrie Irvin. Motion was made to approve for people to possess only one I.D. If more than one is required, posting of the said policy and enforcement in a uniform manner is necessary.

RESOLUTION NO. 161-91

BIAS ON ADMISSION POLICY AT PLACES OF ENTERTAINMENT

WHEREAS, public discussions were held at several Police Commission meetings on discriminatory practices in business establishments; therefore be it

RESOLVED, the attached proposed ordinance is hereby approved which incorporates the following:

Prohibits business establishments and places of public accomodations from denying any person admittance to the premises of the business because of the person's race, religion, color, ancestry, age, sex, sexual orientation, disability or place of birth.

Requires businesses to demand only one valid identification document as defined to confirm any person's proof of age. There is an exception to this rule which allows a business to adopt its own admission policy. However, if a business decides to adopt other than the "one valid identification document" rule, the business must (1) post the policy in a location which is clearly visible to patrons of the business and; (2) apply the "more than one valid identification document" policy in a uniform and even handed manner.

Allows the Chief of Police to suspend or revoke the dance hall permit of any permittee who violates the above referenced nondiscriminatory admission requirements.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

The meeting was thereafter adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6350M

[SF POLICE COMMISSION MINUTES]

F
45
2
26/91
ECIAL

SEPTEMBER 26, 1991 SPECIAL MEETING

Police Commissioner Gwenn Craig conducted a Closed Session in Room 551, Hall of Justice, 850 Bryant Street on Thursday, September 26, 1991 at 9:30 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been continued from the meeting of August 28, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic appeared in perspm amd was represented by Mr. Peter Furst, Attorney at Law.

DOCUMENTS DEPT.
NOV 2 1991
SAN FRANCISCO
PUBLIC LIBRARY

The following witness appeared for the Defense, was sworn and testified:

Sergeant Donald I. Hensic, Warrant Bureau

The following exhibits were entered into evidence or identification by the Defense:

Exhibit A Incident Report #890466274, 4/7/89, 3 pages

Exhibit B Incident Report #890465179, 4/7/89, 2 pages

Exhibit C Department General Order No. B-2, 12/02/81, Subject: Qualifications for Specific Work Units Physical Examination by Police Surgeon

Exhibit D Copy of Premium Pay for Sworn Members, 10/1/88 - 10/14/88

The meeting was then adjourned at 3:15 p.m. to be continued to Friday, September 27, 1991 at 9:30 a.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Sergeant Hensic:

11:20 a.m. to 11:35 a.m.
12:35 p.m. to 2:10 p.m.
2:55 p.m. to 3:35 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6224M

SF POLICE COMMISSION MINUTES

SEPTEMBER 27, 1991 SPECIAL MEETING

Police Commissioner Gwenn Craig conducted a Closed Session in Room 551, Hall of Justice, 850 Bryant Street on Friday, September 27, 1991 at 9:30 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSIONER GWENN CRAIG IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called it having been continued from the meeting of September 26, 1991.

DOCUMENTS DEPT.
NOV 8 1991
SAN FRANCISCO PUBLIC LIBRARY

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witness appeared for the Defense, having previously been sworn continued his testimony:

Sergeant Donald I. Hensic, Warrant Bureau

The following exhibits were entered into evidence or identification by the Prosecution:

Exhibit #3 Department General Order No. B-2, Revised 7/6/90, Subject: Qualifications for Specific Work Units, Physical Examination by Police Physician

Exhibit #4 Drawing by Sgt. Hensic of Central Station Garage

The meeting was then adjourned to be continued to Friday, October 25, 1991, 10:30 a.m. and Monday, October 28, 1991, 9:30 a.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Sergeant Hensic:

11:15 a.m. to 11:35 a.m.
12:20 p.m. to 1:35 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6224M/2

MINUTES

OCTOBER 2, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 2, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioner Giraudo (came in late), Commissioner Keker

DOCUMENTS DEPT.
JAN 2 9 1992
SAN FRANCISCO PUBLIC LIBRARY

POLICE COMMISSION REPORT

No report.

a.) MOTION ON CALENDARING OF NEW MATTERS

None

b.) PUBLIC COMMENTS

Jill Tregor, CUAV, discussed Governor's veto of AB101 and complimented the department members for restraint during demonstrations.

Edith McMillan, resident-Richmond District, discussed incident at 6324 Geary Street.

Andrew Russell asked that the Sergeant William Gay hearing be open to public and be heard by the full commission.

Randy Baker, attorney for Andrew Russell, asked hearing be open to public and heard by full commission.

Brian Bringardner asked hearing be open to public and heard by full commission.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey stated that the Governor maybe in town tonight and a demonstration is planned at the Standard Oil Building. Commissioner Craig asked the Chief about communications breakdown during Monday's demonstration. Chief Casey stated that he will listen to communications tape to determine what the problem was if any. He also indicated that two (2) officers were injured from our department.

Commissioner Lee asked Chief Casey to set up a program for gun turn-in proposed by Supervisor Kennedy. Captain Ribera stated that the plan is in placed and he is just waiting for the funds to be released. Captain Ribera is to report back in two weeks.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna discussed that a problem identified by Cal-Osha has been corrected. She stated that the management team has been working on further office policy regarding merging of cases, case review and tracking of sustained cases.

Commissioner Campana updated the Commission on the selection process of the OCC Director.

RESOLUTION NO. 166-91

PROPOSED NON-SUBSTANTIVE CHANGES TO RULES GOVERNING TRIALS OF DISCIPLINARY CASES

RESOLVED, that the proposed non-substantive changes to "Rules Governing Trials of Disciplinary Cases" are approved as per attachment.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

RESOLUTION NO. 165-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST SERGEANT WILLIAM J. GAY, MOUNTED UNIT, HEADQUARTERS CO.

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Sergeant William J. Gay, Mounted Unit, Headquarters Company, was called it having been set for this date; and

WHEREAS, Commissioner John Keker is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Gay; and

WHEREAS, it was requested by the Police Commission that the date for taking of evidence by Commissioner Keker in the disciplinary charges filed against Sergeant Gay be set at a later date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Keker in the disciplinary charges filed against Sergeant William J. Gay is to be set at a later date.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

PUBLIC HEARING ON POLICY REGARDING OCC INVESTIGATIVE HEARINGS - MAYOR'S DISCIPLINE TASK FORCE REPORT

Commissioner Craig recognized members of the Mayor's Task Force, Director of Emergency Services, Gayle Orr-Smith, Jill Tregor, CUAV, Mara Rosales, City Attorney, Vince Courtney, Father Peter Sammon, Human Rights Commission and Mary Vail.

Eileen Luna discussed expanding the utilization process of the OCC and letter sent dealing with case priority, investigative hearings, etc. Discussion followed with Commission, Director Gayle Orr-Smith, Deputy City Attorney Mara Rosales.

Commissioner Craig asked the Openness of the OCC Policy and Procedures be calendared for October 23, Confidentiality Statement Hearing also calendared for October 9th.

RESOLUTION NO. 163-91

REQUEST FOR SUPPLEMENTAL APPROPRIATION AMOUNTING TO $55,380 TO CREATE ONE 5320 ILLUSTRATOR AND ART DESIGNER POSITION PREVIOUSLY DELETED

WHEREAS, during the budget process the Mayor's Office deleted one Civil Service Class (CSC) 5320 Illustrator and Art Designer Position from the 1991-92 Police Budget; and

WHEREAS, the duties performed by the Illustrator and Art Designer are required on a recurrent basis; and

WHEREAS, the individual occupying the position has remained on the Police Department's payroll; now, therefore be it

RESOLVED, that the Police Commission hereby approves a supplemental appropriation amounting to $55,380 to reinstate the position.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

RESOLUTION NO. 164-91

REQUEST TO AMEND THE ANNUAL SALARY ORDINANCE FOR 5320 ILLUSTRATOR AND ART DESIGNER POSITION

WHEREAS, during the budget process the Mayor's Office deleted one Civil Service Class (CSC) 5320 Illustrator and Art Designer Position from the 1991-92 Police Budget; and

WHEREAS, the duties performed by the Illustrator and Art Designer are required on a recurrent basis; and

WHEREAS, the individual occupying the position has remained on the Police Department's payroll; now, therefore be it

RESOLVED, that the Police Commission hereby approves an amendment to the annual salary ordinance to reinstate the position.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioner Giraudo, Keker

SETTING OF DATE FOR TAKING OF EVIDENCE BY COMMISSIONER CAMPANA IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER CLIFTON MATTHEWS, JR., COMMUNICATIONS DIVISION

Continued to October 9th.

PRESENTATION OF QUARTERLY REPORT ON DEPARTMENT TRAINING DIVISION GOALS

Calendared in error. No action taken.

The meeting, thereafter, was adjourned at 7:05 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6371M

F
75
2
9/91

MINUTES

OCTOBER 9, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 9, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 4, 1991

Approval of Minutes of Meeting of September 4, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.

JAN 2 9 1992

SAN FRANCISCO
PUBLIC LIBRARY

POLICE COMMISSION REPORT

a.) MOTION ON CALENDARING OF NEW MATTERS

None.

b.) PUBLIC COMMENTS

Colleen Williams, Housing Authority Commissioner/Tenant of Valencia Gardens, discussed transferring of officers and fewer officers patrolling Valencia Gardens. She also discussed lack of parking enforcement in area, calling 911 and getting busy signal or being put on hold. She complained of seeing officers watch an assault and doing nothing. Stated that she gets no response when trying to contact Commander Arnold or Captain Newlin. Commander Arnold responded and stated why officers have been moved and that he or Captain Newlin have received no calls from Valencia Gardens. He then set up a meeting with Ms. Williams regarding concerns.

Mary Lou McAllister, resident, discussed October 5th shooting at Valencia Gardens and recent drive-by shootings.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey updated the Commission on demonstration at State Building and damage that occurred there. He stated that the crowd control policy was followed, the situation was handled properly and it would have been foolish to make arrests at that time. He stated that arrests are forthcoming and that eight (8) persons have been identified and warrants are being secured and arrests will be made. Attempts are being made to identify others who committed crimes at the scene. He discussed actions taken by department to disperse the crowd. He stated that he will analyze manner in which the department carried out the policy facilitating demonstrations. He said that an understanding must be reached as to the proper number of officers at demonstrations comparing October 6, 1989 to September 30, 1991. He also stated that we must also answer a question of no matter what actions are taken or the number of officers at demonstration, can violence be prevented 100% of the time.

He also discussed debriefing of officers involved in dangerous situations during demonstrations. Commissioner Craig inquired about communication problems and Chief Casey responded.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna stated that OCC will be able to fill a vacancy for investigator within the next few weeks. She distributed and discussed OCC brochure now available to public.

PUBLIC DISCUSSION ON CONFIDENTIALITY STATED AS REQUIRED BY OCC HEARING RULE 501.1c

Eileen Luna discussed confidentiality statement. Mr. Stephen Whitmore, Bley and Bley, recommended adoption but with amendment as recommended by OCC.

Ellie Aramburo, OCC Staff Attorney, discussed hearing scheduled for November 4 and 5.

Confidentiality Statement was then approved as amended.

RESOLUTION NO. 167-91

CONFIDENTIALITY STATEMENT AS REQUIRED BY OCC HEARING RULE 501.1c

RESOLVED, that the confidentiality statement as required by OCC Hearing Rule 501.1c is hereby approved as amended.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

RESOLUTION NO. 168-91

AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR, ACCEPT AND EXPEND A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR "PUBLIC AWARENESS, EDUCATION AND ENFORCEMENT" PROVIDING FOR RATIFICATION OF ACTIONS PREVIOUSLY TAKEN

WHEREAS, traffic safety and the enforcement of traffic laws are very important to the Police Department; and

WHEREAS, the Police Department has been given an opportunity to apply for a "Public Awareness, Education and Enforcement" grant from the California Office of Traffic Safety (OTC); and

WHEREAS, the first year grant amount would be $335,000 with no local match; and

WHEREAS, the second year grant amount would be $125,000 with a local match of $125,000; and

WHEREAS, we anticipate that the grant will be revenue producing for the City through citations and related fines; and

WHEREAS, we anticipate that the grant will increase traffic safety; and

WHEREAS, the City and County currently requires a reimbursement of indirect costs based on 10% of personnel salary costs excluding benefits and overtime; and

WHEREAS, the Police Department has already submitted the grant application; and

WHEREAS, the City and County currently requires that 1% of the grant be allocated to audit costs; now therefore be it

RESOLVED, that the Police Commission hereby approves a request to apply for, accept and expend a grant for "Public Awareness, Education and Enforcement", with a first year grant amount of $335,000 with no local match and a second year grant amount of $125,000 with a local match of $125,000 and be it further

RESOLVED, that the Police Commission hereby concurs with the City and County of currently required reimbursement of indirect costs based on 10% of personnel salary costs excluding benefits and overtime; and be it further

RESOLVED, that the Police Commission hereby concurs with the City and County current requirement that 1% of the grant be allocated to audit costs; and be it further

RESOLVED, that the Police Commission hereby affirms that although the City and County has incurred no legal obligation, the Commission asks that the Board of Supervisors ratify the actions previously taken.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

RESOLUTION NO. 169-91

SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER CLIFTON A. MATTHEWS, JR., RECORDS SECTION

WHEREAS, the setting of date to conduct taking of evidence by Commissioner Campana in the disciplinary charges filed against Police Officer Clifton A. Matthews, Jr., Records Section, was called it having been continued from the meeting of October 2, 1991; and

WHEREAS, Mr. Tito Torres, Attorney at Law, representing Officer Matthews, has waived the time limitation as set forth in General Order P-11, Section III-K, and the criminal charges on Officer Matthews has not yet been resolved; therefore be it

RESOLVED, that the setting of date for taking of evidence by Commissioner Campana in the disciplinary charges filed against Officer Matthews is continued to Wednesday, January 22, 1992 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Lee
ABSENT: Commissioners Giraudo, Keker

PRESENTATION OF QUARTERLY REPORT ON DEPARTMENT GOALS

Captain Martel presented Traffic
Sergeant Marlene Ottone - Management Control
Lieutenant Gary Pisciotto - Staff Inspection
Inspector Sandy Bargioni - Hate Crimes
Capt. Michael Hebel - CPOP & Career Developments
Lieutenant Tony Novello - Police Reserves

Lieutenant Donald Carlson - Planning, Police Range, remolded stations opened, future stations to be remodeled and time frame for same and other planning matters.

Captain John Robinson - Investigations

The meeting, thereafter, was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6373M

MINUTES

OCTOBER 16, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco held their Regular Meeting in the Ingleside District at Corpus Christi Church Hall, 62 Santa Rosa Street at 6:00 p.m.

Commissioner Keker introduced the Commissioners and briefed audience on duties and responsibilities of the Commission.

AYES: Commissioners Craig, Giraudo, Keker, Lee
ABSENT: Commissioner Campana

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 11, 1991

Approval of Minutes of Meeting of September 11, 1991, the Commissioners having received, approved, and returned copies of same.

DOCUMENTS DEPT.
JAN 0 9 1992
SAN FRANCISCO PUBLIC LIBRARY

CONSENT CALENDAR

RESOLUTION NO. 171-91

REQUEST OF CAPTAIN GEORGE KOWALSKI, TENDERLOIN TASK FORCE, FOR APPROVAL TO ACCEPT ONE "TREK 7000" MOUNTAIN BICYCLE

RESOLVED, that the request of Captain George Kowalski, Tenderloin Task Force, for approval to accept one "Trek 7000" mountain bicycle donated by Mr. John Christman, Macy's of California, estimated value $500.00, for use by Tenderloin Task Force foot beat officers is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee
ABSENT: Commissioner Campana

POLICE COMMISSION REPORT

Commissioner Keker asked that Review of the Intelligence Policy be calendared before November 14, 1991.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey briefed the Commission about the lunch held at the Fairmont Hotel to benefit Police Atletic Leaque (PAL). He stated that approximately $115,000.00 was raised for PAL.

Captain Ribera, Fiscal Division, discussed procedure for gun turn-in program requested by Commission on October 2nd. He stated that the program will begin October 23rd and be handled by Property Control Section.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna stated that the OCC has hired a new investigator who will begin to work in November. She briefed the audience on the functions of OCC.

RESOLUTION NO. 170-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST PATROL SPECIAL OFFICER CALVIN C. WILEY, INGLESIDE & MISSION POLICE DISTRICTS

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Calvin C. Wiley, Ingleside and Mission Police Districts, was called it having been set for this date; and

WHEREAS, Commissioner Edward Campana is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Patrol Special Officer Calvin C. Wiley; and

WHEREAS, it was requested by the Police Commission that the date for taking of evidence by Commissioner Campana in the disciplinary charges filed against Patrol Special Calvin C. Wiley be set at a later date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Campana in the disciplinary charges filed against Patrol Special Officer Wiley is to be set at a later date.

AYES: Commissioners Craig, Giraudo, Keker, Lee
ABSENT: Commissioner Campana

CAPTAIN JOHN GLEESON, COMMANDING OFFICER, INGLESIDE POLICE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain John Gleeson, Ingleside Station, welcomed the Commission, Administration and citizens attending the meeting. He complimented the personnel assigned to Ingleside for work in the district and discussed actions being taken in that district.

PUBLIC COMMENTS

Maxine Berg, member SAFE Group North Bernal Heights, discussed crime in the area, CPOP, arrests, commended Officer Fabiani and Sergeant Cazahous. She also complained about communications dispatchers.

Commissioner Keker stated that he and Commissioner Giraudo will attempt to have representative of District Attorneys Office to attend district meetings to respond to concerns regarding prosecution of subject arrestees.

Charles Bolton supported CPOP and discussed problems since redistricting. He discussed communications personnel lacking knowledge of district. He also talked of liquor establishments on Mission between Army and Cortland Streets and crime problems near them. He supported Captain Gleeson and members of Ingleside Station.

Moyuen Ma, resident Raymond Avenue, Visitacion Valley Asian Assn., invited Captain Gleeson to meeting to discuss concerns, discussed crime in Sunnydale area and asked for more CPOP officers.

Anthony Sacco, resident Mission Terrace Improvement Assn., talked of crime in area, building code violations and illegal units.

Rick Spearman commended Sgt. Cazahous and Officer Fabiano for their efforts and discussed permit problems.

Dan McColor, Bernal Heights resident, talked about waiting for someone to answer when calling communications. He talked of problems with drunks in the Esmeralda area.

Marianne Eard talked of CPOP, abandoned autos in the area of Russia and Naples, auto repairs by juveniles and asked for CPOP to patrol the area. She thanked the Commission and department for the community room at the remodeled Ingleside Station.

Ernie Lorenti talked of possibility of voting precincts in projects area and talked of police protection in the evening.

Tom Loar, Excelsior resident, talked of communications and response time.

Kay Schultz, Precita Park area resident, talked of meeting with Captain Gleeson about finding needles in Precita Playground. She talked of CPOP in area.

Dan McAuliffe, resident, talked about good response time when calling communications.

Charlotte Ferguson discussed communications problems and asked that the officers better familiarize themselves with the district.

Denise Harrington, Outer Mission resident, discussed how to organize SAFE and Community Watch Program.

The meeting, thereafter, was adjourned at 7:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6375M

F
45
2
23/91

MINUTES

OCTOBER 23, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, October 23, 1991 at 4:30 p.m. in Closed Session.

Attorney-Client Conference

Maria-Ester DeAnda vs. CCSF, et al
De La Cerda vs. CCSF, et al

DOCUMENTS DEPT.
JAN 2 9 1992
SAN FRANCISCO
PUBLIC LIBRARY

OCTOBER 23, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, October 23, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 18, 1991

Approval of Minutes of Meeting of September 18, 1991, the Commissioners having received, approved and returned copies of same.

CONSENT CALENDAR

RESOLUTION NO. 176-91

MARIA-ESTER DeANDA vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria-Ester DeAnda in the amount of $11,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: November 25, 1988

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session and no litigation or decision was taken.

Commissioner Lee stated that this is the first day of the gun turn-in program and that 67 guns were turned in the first hour and a total of 170 for the day.

Captain Ribera further briefed the Commission regarding turn-in program and that he has requested another $9,500.00 for the program.

Commissioner Craig recognized the attendance of members of the Human Rights Commission, Fr. Peter Sammon, Leonard Graff, Lenore Chin.

a. MOTION ON CALENDARING OF NEW MATTERS

None.

b. PUBLIC COMMENTS

Lydia Owen, attorney, discussed status of complaint filed with OCC and progress of same. Ms. Eileen Luna, OCC, responded and stated the investigation is complete and closed. She is also to contact Ms. Owen with further information.

Bryan Boyd discussed complaint of Lydia Owen.

Jill Tregor talked of letter submitted.

CHIEF'S REPORT TO THE POLICE COMMISSION

Given by Captain Ribera regarding gun turn-in program earlier in the meeting.

OCC REPORT TO THE POLICE COMMISSION

Ms. Eileen Luna presented statistics and explained them.

PUBLIC HEARING ON POLICY REGARDING OPENNESS OF OCC POLICY

John Parker, OCC, discussed Openness process. Commissioner Keker discussed the recommendation that the public have access to OCC investigative report prior to Commission hearing case. Mr. Parker stated that OCC agrees with recommendation.

Fr. Peter Sammon, Human Rights Commission, expressed approval of recommendations of task force and discussed equality of review of case by complainant. On behalf of the Human Rights Commission, Fr. Sammon thanked task force for recommendations in this area and supported them.

Jill Tregor, CUAV, discussed openness and asked that the Commission keep interested parties advised of a specific plan.

John Crew, ACLU, discussed concerns regarding openness and POA's agreement on issues separately and implemented without waiting for the rest of the many other issues that are to be negotiated. Sergeant Johnson will have a response within a week.

Steve Whitmore, Bley and Bley, discussed fact finding hearing process.

Nancy Clarence, member of Mayor's Task Force, discussed bar association support of recommendations. She discussed concern of POA declaring openness a collective bargaining issue at this time and no mention at time of discussions of the task force.

Ms. Mara Rosales, City Attorney, suggested the Commission to vote on issue and urge Mayor to communicate to employee relations unit the position of the Police Commission.

Motion by Commissioner Craig, seconded by Commissioner Lee, that the Commission approve recommendation of task force regarding Openness of OCC Process add detailed on pages 17 and 18 of report.

Lt. Barretta, Commission Secretary, to draft a letter to Mayor urging him to make it the City's position in terms of the Memorandum of Understanding negotiations and should get a high priority and is important to the effective workings of the OCC.

RESOLUTION NO. 177-91

PUBLIC HEARING ON POLICY REGARDING OPENNESS OF OCC POLICY AND PROCEDURES

RESOLVED, that the Police Commission endorses the recommendation of the Police Discipline Task Force regarding openness of the OCC policy and procedures, and be it further

RESOLVED, the Police Commission has recommended to the Mayor urging him that the recommendations about openness be included in the Memorandum of Understanding currently being negotiated between the Police Officers' Association and the City.

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

RESOLUTION NO. 173-91

DECLARATION OF 19,878.07 SQUARE FEET OF NEWLY OBTAINED MISSION STATION SITE AS SURPLUS PROPERTY

WHEREAS, the City and County of San Francisco on behalf of the Police Department purchased certain real property which is part of Assessor's Block 3577, and

WHEREAS, the seller required that the City and County purchase its entire parcel, and

WHEREAS, approximately 19,878.07 square feet of the parcel are not needed for the Police Department's Mission Station site, and

WHEREAS, conditioned upon approval of the Police Commission, Board of Supervisors and Mayor, the City and County desires to convey lots 4,5, 64 and portions of lot 65 of Assessor's Block 3577 to Mission Housing Development Corporation for the price of $48.53 per square foot; now therefore be it

RESOLVED, that the Police Commission declares lots 4, 5, 64 and portions of lot 65 of Assessor's Block 3577 (described in Exhibit A attached) to be surplus property and authorizes the Department of Real Estate to convey the described lots to Mission Housing Development Corporation.

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

PUBLIC HEARING ON ARBITRATION HEARING - MAYOR'S DISCIPLINE TASK FOR REPORT

Taken off calendar and to be recalendared later.

HEARING OF INSPECTOR DAVID SUYEHIRO, CRIME SCENE SECTION

The hearing of Police Inspector David Suyehiro, Crime Scene Section, was called it having been set for this date. Inspector Suyehiro was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Willis A. Casey, Chief of Police of the San Francisco Police Department.

Inspector David Suyehiro appeared in person and was represented by Sergeant Steve Johnson, Police Officers Association.

Mr. Richard Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sgt. Steve Johnson requested a closed hearing; a closed hearing was granted.

Sgt. Steve Johnson entered a plea of no contest to Specification No. 1 on behalf of Inspector Suyehiro.

The Police Commission unanimously approved and accepted the plea of Inspector Suyehiro.

Based on these findings, the Commission requested a recommendation from Chief of Police Willis Casey. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Thirty (30) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 174-91

DECISION - HEARING OF INSPECTOR DAVID SUYEHIRO, CRIME SCENE SECTION

WHEREAS, on July 16, 1991, Willis A. Casey, Chief of Police of the San Francisco Police Department, made and served charges against Inspector David Suyehiro, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

(1) At all times herein mentioned, David Suyehiro, Star Number 2047 (hereinafter referred to as "the accused") was and is a Police Inspector employed by the San Francisco Police Department and assigned to the Crime Scene Section;

(2) As a Police Inspector, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about January 31, 1991, at 1430 hours, the accused was off-duty and at the "Costco" Store in San Bruno, California'

(4) The accused was observed by Costco security personnel to unbutton his shirt and secrete two boxes of trading cards inside his shirt;

(5) The security officers then observed the accused exit Costco without paying for the cards that were inside of his shirt;

(6) Upon the accused exiting the store, the security officers arrested him and recovered the trading cards that were secreted inside of the accused's shirt;

(7) The security guards returned to the store with the accused whereupon the accused admitted that he took the trading cards without paying for them;

(8) The accused, by secreting merchandise under his clothing and leaving the Costco Store without paying committed theft, a violation of Section 490.5 of the California Penal Code;

(9) The accused, by entering the San Bruno Costco Store and committing theft therein by removing merchandise without paying, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 23, 1991, and on October 23, 1991, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Inspector David Suyehiro are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the

public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) days suspension

and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Sunday, December 1, 1991 at 0001 hours and end Monday, December 30, 1991 at 2400 hours.

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF OFFICER MARLENE E. WILLHOITE, TENDERLOIN TASK FORCE

The hearing of Police Officer Marlene E. Willhoite, Tenderloin Task Force, was called it having been set for this date. Officer Willhoite was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to prevent crime while off duty (a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Willis A. Casey, Chief of Police of the San Francisco Police Department.

Officer Marlene E. Willhoite appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Robert Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore entered a plea of no contest to Specifications No. 1 and No. 2 on behalf of Officer Willhoite.

The Police Commission unanimously approved and accepted the plea of Officer Willhoite

Based on these findings, the Commission requested a recommendation from Chief of Police Willis Casey. The following recommendation was made by the Chief of Police:

SPECIFICATIONS NO. 1 AND NO. 2

Thirty (30) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 175-91

DECISION - HEARING OF OFFICER MARLENE E. WILLHOITE, TENDERLOIN TASK FORCE

WHEREAS, on August 1, 1991, Willis A. Casey, Chief of Police of the San Francisco Police Department, made and served charges against Officer Marlene E. Willhoite, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Marlene E. Willhoite, Star Number 2050 (hereinafter referred to as "the accused") is a police officer employed by the San Francisco Police Department and assigned to the Tenderloin Task Force;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On May 19, 1991, at or about 0055 hours, the accused was off-duty operating her personal vehicle proceeding northbound on Van Ness Avenue from Northpoint Street at approximately 35 mph in a 25 mph zone in the City of San Francisco, State of California;

(4) While proceeding northbound on Van Ness Avenue at an unsafe speed, the vehicle driven by the accused came in contact with two motor vehicles legally parked diagonally at the east curb, such contact stopping the vehicle driven by the accused;

(5) One of the parked vehicles was occupied by two passengers who complained of pain and who were taken to a hospital by ambulance and released after examination by the hospital staff;

(6) Officers were dispatched to the scene in response to a citizen's call of a bodily injury/property damage accident involving a motor vehicle;

(7) Upon their arrival, the officers notified their superior officers after identifying the accused as a San Francisco Police Officer;

(8) During the police investigation, the accused failed a series of field coordination tests and was placed under arrest for a violation of California Vehicle Code Sections 23153(A), a felony, and 22350, a misdemeanor offense;

(9) Upon arrival at the Hall of Justice, the accused submitted to a blood test, which the subsequent analysis showed the accused to have a blood alcohol level of .27% and therefore to be under the influence of an alcoholic beverage;

(10) The accused was booked at County Jail #1 on the above charges;

(11) By becoming intoxicated, driving an automobile, and becoming involved in a motor vehicle accident, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the department and reflects discredit on the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(12) The allegations contained in Specification No. 1, paragraphs (1) through (5) and paragraphs (8) through (10) are hereby incorporated as though fully set forth herein;

(13) On June 18, 1991, the accused entered a plea of Nolo Contendre to the amended complaint charging a violation of Vehicle Code Sections 23152(b), the accused has engaged in conduct which consititutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 23, 1991, and on October 23, 1991, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Marlene E. Willhoite are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATIONS NO. 1 and NO. 2

Thirty (30) days suspension and enroll in the Department approved D-4 Program for 12 months

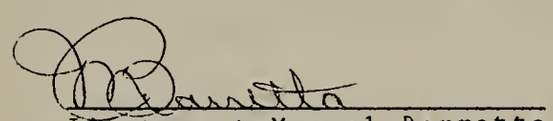
and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Saturday, October 26, 1991 at 0001 hours and end Sunday, November 24, 1991 at 2400 hours.

AYES: Commissioners Craig, Keker, Lee
ABSENT: Commissioners Campana, Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 7:10 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6387M

SF MINUTES

OCTOBER 25, 1991 CLOSED SESSION

Police Commissioner Gwenn Craig conducted a Special Meeting in Room 551, Hall of Justice, 850 Bryant Street on Friday, October 25, 1991 at 10:30 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

DOCUMENTS DEPT.
JAN 2 9 1992
SAN FRANCISCO
PUBLIC LIBRARY

The hearing for taking of evidence in the disciplinary chages filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called at 10:40 a.m., it having been continued from the meeting of September 27, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Departmenet.

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The motion by Mr. Peter Furst to exclude evidence of non-named complainants was considered and was denied by Commissioner Craig.

Mr. Furst made a motion to continue the hearing to a later date for the purpose of filing a writ. The motion was denied.

The following witness appeared for the Defense, having previously been sworn continued his testimony:

Sergeant Donald I. Hensic, Warrant Bureau

The following exhibits were entered into evidence or identification by the Prosecution:

Exhibit #5 3 page document - 2 page drawing of Central Station, 1 page FAX mail cover, Bureau of Architecture - evidence

Exhibit #6 Handwritten document - identification

The meeting was then adjourned to be continued to Monday, October 28, 1991, 9:30 a.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Sergeant Hensic:

10:50 a.m. to 11:10 a.m.
11:15 p.m. to 11:18 p.m.
12:10 p.m. to 1:55 p.m.
2:45 p.m. to 2:55 p.m.
4:08 p.m. to 4:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6387/10

SF MINUTES

OCTOBER 28, 1991 CLOSED SESSION

Police Commissioner Gwenn Craig conducted a Special Meeting ind Room 551, Hall of Justice, 850 Bryant Street on Monday, October 28, 1991 at 9:30 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE SERGEANT DONALD I. HENSIC, WARRANT BUREAU

DOCUMENTS DEPT.
JAN 2 9 1992
SAN FRANCISCO PUBLIC LIBRARY

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called at 10:50 a.m., it having been continued from the meeting of October 25, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witness appeared for the Defense, having previously been sworn continued his testimony:

Sergeant Donald I. Hensic, Warrant Bureau

The following witness appeared for the Prosecution, was sworn and testified:

Mr. Henry Hogue

The following witness was recalled by the Prosecution and further testified:

Sergeant Donald I. Hensic, Warrant Bureau

The meeting was then adjourned at 4:45 p.m. to be continued to Friday, November 15, 1991, 10:00 a.m. and Monday, November 18, 1991, 10:00 a.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of Sergeant Hensic:

11:55 a.m. to 12:10 p.m.
1:35 p.m. to 2:50 p.m.
4:10 p.m. to 4:20 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, William Henderscheid and Associates.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6387M/11

MINUTES

OCTOBER 30, 1991 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, October 30, 1991 at 4:30 p.m. in Closed Session.

DOCUMENTS DEPT.

JAN 2 9 1992

SAN FRANCISCO PUBLIC LIBRARY

1. Attorney-Client Conference
   Dolores Huerta vs. CCSF

2. Employee Relations Matter

OCTOBER 30, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, October 30, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 25, 1991

Approval of Minutes of Meeting of September 25, 1991, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Judgment made in Superior Court No. 924-158 in settlement of the following claim against the City and County of San Francisco:

RESOLUTION NO. 182-91

WILSON S. ROBINSON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made in Superior Court No. 924-158 in the claim of Wilson S. Robinson in the amount of $24,500 plus $658.50 in costs, for injury and damages sustained, be, and the same is hereby approved.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session on two litigation matters and one employee relation matter and no action was taken.

a. MOTION ON CALENDARING OF NEW MATTERS

Commissioner Lee asked to calendar matter of setting up a fund for donations to gun turn-in program. Matter passed until report on turn-in program report given scheduled later on calendar.

b. PUBLIC COMMENTS

Alex Vitali, Coalition on Homeless, stated that he was a witness to the incident to which Keith McHenry has made a complaint to OCC. He stated that he is in disagreement with the OCC decision.

John Crew, ACLU, discussed OCC procedure re McHenry. He discussed Police Officers Association not yet responding to the confidentiality discussed last meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey reported regarding computer information for communications which had been previously discussed at district meeting in the Ingleside District. He stated that the Planning Division is reviewing entries into the computer to make sure that proper information is in the CAD computer as to the whereabouts of certain streets and what district they are in.

Deputy Chief Frank Reed reported to the Commission on the warrants and arrests of the demonstration of September 30th at the State Building. He stated that in conjunction with the state police that ten people have been arrested, one warrant is outstanding and photographs are being examined for possible further action. Of the arrested people, there were nine felonies and seven misdemeanors. Investigation with state police and state fire marshall is continuing.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker stated that Acting Director, Eileen Luna is ill and there is nothing to report.

REQUEST OF THE CHIEF OF POLICE TO APPROPRIATE $50,000 FROM THE NARCOTICS FORFEITURE AND ASSET SEIZURE FUND TO CONTINUE A RECENTLY IMPLEMENTED FIREARMS TURN-IN PROGRAM

Captain Anthony Ribera, Fiscal, presented appropriation request. He indicated hour change and the exclusion of hunting type rifles. Motion was made by Commissioner Lee, seconded by Commissioner Craig to approve. Motion was then approved. Discussion by Commission to set up procedure to accept donations to be placed into fund for firearms turn in program. Captain Ribera to prepare resolution for Commission and calendared for next week.

RESOLUTION NO. 178-91

REQUEST TO APPROPRIATE $50,000 FROM THE NARCOTICS FORFEITURE AND ASSET SEIZURE FUND TO CONTINUE A RECENTLY IMPLEMENTED FIREARMS TURN-IN PROGRAM

WHEREAS, the Board of Supervisors approved Resolution No. 785-91 urging an amnesty-surrender of firearms program; and

WHEREAS, the program pays $50.00 for every firearm turned in; and

WHEREAS, the program will hopefully take firearms out of the hands of criminals and reduce crime; and

WHEREAS, $9,500 was approved by the Mayor from the Narcotics Forfeiture and Asset Seizure to begin the program; and

WHEREAS, the Police Department began the program on October 23rd; and

WHEREAS, the program has been so very successful that the Police Department has requested that the Mayor approve an additional $19,000 from the Narcotics Forfeiture and Asset Seizure Fund so that this worthwhile program can be continued; and

WHEREAS, over 500 firearms, including over 100 hunting type rifles and shotguns have been turned in; and

WHEREAS, hunting type rifles and shotguns are seldom used in street crimes; and

WHEREAS, the program has created a staffing problem; and

WHEREAS, the Police Department wishes to continue the program; now, therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation of $50,000 towards a firearms turn-in program; and be it furthre

RESOLVED, that the Police Commission hereby approves excluding, effective Monday, November 4, 1991, hunting type rifles and shotguns from the turn-in program; and be it further

RESOLVED, that the Police Commission hereby approves limiting, effective Monday, November 4, 1991, the hours in which firearms may be turned in at the Hall of Justice to 0800 - 1200 hours.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

PUBLIC HEARING ON ISSUES INCLUDING MEDIATION OF MINOR COMPLAINTS, INCREASE IN CHIEF'S DISCIPLINARY POWER AND CHANGES IN THE WAY COMMISSION DECIDES CASES - MAYOR'S DISCIPLINE TASK FORCE REPORT

John Parker, OCC, discussed mediation in minor complaints and types of cases to be mediated. Possible charter change required.

Deputy City Attorney Mara Rosales discussed possible charter change. Commissioner Keker discussed types of cases with John Parker. Other Commissioners discussed mediation numbers of cases.

Office of Citizen Complaints is to review mediations of minor cases and numbers of same and report back to Commission on December 4th.

Commissioner Keker discussed Chief's disciplinary power and delegation of discipline authority to other ranking officers of the department as recommended by the task force.

Commissioner Campana made a motion to adopt the task force recommendation, seconded by Commissioner Craig, and was approved unanimously. Commissioner Keker asked that a letter be prepared and sent to the mayor making it the city's position in the Memorandum of Understanding negotiations process.

Commissioner Keker also discussed changes in the way the Commission decides on cases and asked anyone who wants to address the issue.

PRESENTATION OF QUARTERLY REPORT ON DEPARTMENT TRAINING DIVISION GOALS

Captain Robert Berry, Academy, briefed the Commission on basic training course and the community training evaluation review report. Committee member, Julie Brandt of the CORO Foundation, coordinated a program which will start in November. Ms. Brandt then briefed the Commission on the committee. She discussed the committee, formation goals, etc. Captain Berry presented a Certificate of Appreciation to Ms. Julie Brandt for her efforts.

Captain Berry then briefed the Commission on the training course at the academy. He stated that the academy has a 95% pass rate for recruits.

RESOLUTION NO. 180-91

SETTING OF DATE IN THE CHARGES FILED AGAINST POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer James P. Lassus, Central Station, was called it having been set for this date; and

WHEREAS, it is the decision of the Commission that the hearing will be held before a full Commission; be it therefore

RESOLVED, that a special meeting will be held on Friday, January 10, 1992, 9:30 a.m. and Saturday, January 11, 1992, 9:30 a.m. for a hearing on the disciplinary charges filed against Officer James P. Lassus.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF POLICE OFFICER MICHAEL A. TOROPOVSKY, TENDERLOIN TASK FORCE

The decision in the disciplinary charges filed against Police Officer Michael A. Toropovsky, Tenderloin Task Force, was called, it having been set for this date. Police Officer Michael A. Toropovsky was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Michael A. Toropovsky appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Closing statements were made by the Prosecuting Attorney at the Defense Attorney.

The Commission took the matter under submission, deliberated and returned, after which the following resolution was adopted:

RESOLUTION NO. 181-91

DECISION - HEARING OF POLICE OFFICER MICHAEL A. TOROPOVSKY, TENDERLOIN TASK FORCE

WHEREAS, on November 20, 1990, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Michael A. Toropovsky, and

WHEREAS, the Commission having heard or read the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Michael A. Toropovsky, Star Number 2036 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Mission Station;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about May 31, 1990 and June 1, 1990, the accused was off duty and became involved in an incident constituting domestic violence involving the woman he lived with at the time (hereinafter "the victim") in Sonoma County, State of California;

(4) On May 31, 1990, at or about 1900 hours, the accused and the victim became involved in an argument in the home they shared in Sonoma County, State of California; the accused became violent, grabbed the victim by the throat and choked her for approsimately 30 seconds; the victim left their home and did not return that night;

(5) On June 1, 1990, at or about 0800 hours, the accused went to another house where the victim had gone and was staying; the accused again argued with the victim. The accused again grabbed the victim by the throat and in leaving pushed her aside by

pushing on her throat, and then left her house. The victim called 911 to report the incident and the Sonoma County Sheriff's Office responded and made a report;

(6) On or about June 1, 1990, the victim went to a physician because of the injuries to her neck. The physician verified the injuries and prescribed treatment;

(7) After the above described incident, the victim returned to the house they shared and they resumed living together; there were further abusive incidents and threats by the accused, culminating in an incident on July 17, 1990, when the Sonoma County Sheriff's Office again responded to standby while the victin moved her belonging from the residence;

(8) The accused, by engaging in domestic violence with the victim as alleged above, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, the taking of evidence by Commissioner Gwenn Craig on the disciplinary charges filed against Police Officer Toropovsky was conducted on Thursday, January 17, 1991, Tuesday, April 30, 1991 and Friday, July 19, 1991, pursuant to Section 8.343 of the Charter of the City and County of San Francisco, and on Wednesday, October 30, 1991, the matter was submitted to the Police Commission for decision; and

WHEREAS, it is the findings of the Police Commission that Specification No. 1 is not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Michael A. Toropovsky has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, William E. Henderscheid and Associates.)

The meeting, thereafter, was adjourned at 7:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6412M

SF
345
2
6/91

[MINUTES]

NOVEMBER 6, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, November 6, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Giraudo, Keker, Lee
ABSENT: Commissioner Craig

APPROVAL OF MINUTES OF MEETING OF OCTOBER 2, 1991

Approval of Minutes of Meeting of October 2, 1991, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.

FEB 7 1992

SAN FRANCISCO
PUBLIC LIBRARY

POLICE COMMISSION REPORT

No report.

a. MOTION ON CALENDARING OF NEW MATTERS

Attorney Sylvia Courtney for Officer James Lassus, requested continuance from November 23 to sometime in January. Commissioner Keker set the matter for January 10 and 11th at 9:30 a.m. for hearing dates.

b. PUBLIC COMMENTS

Mr. John Crew, ACLU, asked if Commission has received response from Openness issue from the POA. He also asked calendaring for same. "Discussion of Implementation of Mayor's Task Force Recommendations re Openness of OCC Proceedings" is calendared for December 11th. The Deparment Goals, quarterly report, is rescheduled for January.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey reported on Castro Street Halloween Celebration and gathering at the Polo Field remembering Bill Graham. Both crowds number approximately 300,000 persons. There were no problems and he commends both the officers who were assigned to handle the events and also the people who attended. The Commission joins and also commends police and citizens.

Captain Ribera updated the Commission on the firearms turn-in program and stated that 1,085 guns have been turned in and that another $50,000 was approved by the Board of Supervisors to continue program.

Captain Fife, Communications, reported on complaints of delays in answering non-emergency phone lines in dispatch. Officer Ron Kramer demonstrated phone tree system to Commission to possibly help in reducing problem and assisting callers. Commissioner Lee suggested a change of non-emergency phone no. (553-0123) to one that is easier for citizens to remember (553-1111). Officer Kramer discussed problems and costs of changing number.

Frank Martin del Campo, Local 790, asked that the dispatchers be allowed to express their views through the union and asked for timely notification in the future on like matters.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Eileen Luna, Acting Director, stated that John Parker, Barbara Attard and herself have been selected as three of thirty honorees of the Public Managerial Excellence Award Program for the city. Commission congratulated those honored. Ms. Luna also stated that the hearing on the sweep issue has been completed and anticipates decision within thirty days.

PRESENTATION BY OCC ON JUSTIFICATION FOR ADDITIONAL INVESTIGATORS

Ms. Eileen Luna made presentation for justification of more investigators for OCC. She discussed prioritization of cases and additional work as a result. With recommendations of the Mayor's Task Force being considered, the OCC endorses such recommendations and stated that more investigators will be needed.

Commissioner Campana discussed possibility of fees for services.

John Crew addressed fees for service, quality of cases and budget.

Mary Vail, Bar Association, supported need for more investigators, discussed pro bono hearing officers. She expressed reservations for fees for services, suggested phase in period for number if investigators possibly two now and additional over period of time.

Frank Martin del Campo discussed overwork and stress involved for investigators.

Joe Valenessi, citizen, stated that the first priority of the Commission is to bring the dept up to full strength.

Commissioner Keker suggested that matter be tabled until December 4th. Matther was then calendared for December 4th.

REVIEW AND ACTION ON EXTENDING INTELLIGENCE POLICY

Continued to January 29, 1992.

PUBLIC HEARING ON CHIEF'S RECOMMENDATION RE DELEGATION ON DISCIPLINARY AUTHORITY AND DISCIPLINARY SCHEDULE - MAYOR'S DISCIPLINE TASK FORCE REPORT

Chief Casey discussed delegation of authority and discipline schedule and stated that it is in the meet and confer process. He stated that discipline re reprimands would be handed down to Captains for investigation and reprimand, if decided, would be subject to the approval of Chief with appeal to Deputy Chief.

Suspensions up to five days would be handled by Captains. Five to fifteen days would be handled by Deputy Chiefs and any over fifteen days would be handled by the Chief.

Lieutenant Pecinovsky, Management Control Division, presented discipline schedule. The matter is to be calendared after schedule is completed by Management Control Division.

RESOLUTION NO. 183-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST POLICE OFFICER EMILY R. FIELDS, LEGAL DIVISION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer Emily R. Fields, Legal Division, was called it having been set for this date; and

WHEREAS, Commissioner Pius Lee is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Emily R. Fields; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Lee in the disciplinary charges filed against Officer Emily R. Fields is set for Wednesday, December 18, 1991 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Giraudo, Keker, Lee
ABSENT: Commissioner Craig

STATUS OF REPORT ON REDISTRICTING OF POLICE STATIONS

Deputy Chief Murphy presented statistics re officers and workloads since redistricting. He indicated that upon the graduation of the academy class on December 6th, more officers will be assigned to Mission Station. He stated that the communications problem at the Geneva Towers still exists and that two radio cars are responding to all calls there until the problem is rectified. He also stated that orders have been issued to districts concerned advising of the radio dead spots and procedures in dealing with same. Meetings with the Department of Electricity are being held to identify the problems and possible solutions.

PUBLIC COMMENTS:

Henry Jury, resident, discussed crime in the city and stated that there should be up to full staffing of the department.

Joe Valenessi representing groups in the Taraval District, discussed groups reviewing report by Deputy Chief Murphy and will possibly address the Commission at a later date regarding same. He also discussed staffing shortage in the department. Chief Casey responded regarding academy classes, resignations, retirements, etc.

The meeting, thereafter, was adjourned at 8:05 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6422M

SF
345
2
13/91

[MINUTES]

NOVEMBER 13, 1991 REGULAR MEETING

The Police Commission of the City and County of San Francisco held their Regular Meeting in the Central District at Francisco Junior High School 2190 Powell Street at 6:00 p.m.

Commissioner Keker greeted audience and briefed them on Commission duties and responsibilities after pledge of allegiance.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

DOCUMENTS DEPT.

FEB 7 1992

SAN FRANCISCO
PUBLIC LIBRARY

POLICE COMMISSION REPORT

No report.

a.) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Keker calendared a discussion on Patrol Specials settlement for December 4th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey stated that due to legislative action in Sacramento, revenues for the Peace Officers Training Fund have been drastically reduced. He stated that because of this action the training fund has been depleted in the department. Chief Casey stated that Deputy Chief Lau, Captain Berry and Captain Ribera will be meeting with other agencies to determine how to deal with this situation and will report back to the Commission. He stated that there will be no problem with people going through the academy but will effect the Field training Officers program and range qualification for members. He will report back to the Commission on December 4th for an update.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna described the Office of Citizen Complaints responsibilites and duties. She also briefed the audience on complaint procedure.

REQUEST OF THE CHIEF OF POLICE TO ESTABLISH A SPECIAL FUND TO ACCEPT GIFTS SO THAT THE RECENTLY IMPLEMENTED FIREARMS TURN-IN PROGRAM MAY CONTINUE

Captain Ribera explained the gun turn-in program and stated that over 1,200 guns have been turned in. He stated that funds are expected to last to December or January. He presented the calendared item to the Commission to establish the special fund to accept gifts to continue the program when funds are exhausted. Commissioner Keker discussed letter from Mr. John Douglas regarding program. Commissioner Lee indicated that he has received support from the community and that there are people that wish to make donations for the program. Motion was made by Commissioner Lee, seconded by Commission Campana, approved by the Commission.

RESOLUTION NO. 184-91

REQUEST TO ESTABLISH A SPECIAL FUND TO ACCEPT GIFTS SO THAT THE RECENTLY IMPLEMENTED FIREARMS TURN-IN PROGRAM MAY CONTINUE

WHEREAS, the Board of Supervisors approved Resolution No. 785-91 urging an amnesty surrender of firearms program; and

WHEREAS, the program pays $50.00 for every firearm turned in; and

WHEREAS, the program will hopefully take firearms out of the hands of criminals and reduce crime; and

WHEREAS, the Police Department began the program on October 23rd; and

WHEREAS, $28,500 has been approved by the Mayor, from the Narcotics Forfeiture and Asset Seizure Fund, to begin the program; and

WHEREAS, an additional $50,000 has been requested from the Narcotics Forfeiture and Asset Seizure Fund, so that this worthwhile program can be continued; and

WHEREAS, the Police Department wishes to continue the program; now therefore be it

RESOLVED, that the Police Commission hereby approves the establishment of a special fund to accept and expend donations to continue the program.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

CAPTAIN THOMAS PETRINI, COMMANDING OFFICER, CENTRAL POLICE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Petrini introduced staff, described staffing level at the station. He also described crime problems in the Central District and actions regarding them.

PUBLIC COMMENTS

John Dela Torre discussed downtown prostitution.

Arnold Chin, Chinese Chamber of Commerce, asked for more foot patrols and increase of CPOP officers.

Michael Havlin complained regarding officers actions.

Unidentified person commended officers of Central and talked of crimes against elderly.

General Andrew Loli, owner Castagnola's Restaurant, discussed white zone problems and commended department.

Deborah Brady, business owner, talked of prostitution at 649 Jones.

Katherine Donnelly, Central Station Community Relations Committee, commended Captain Petrini and officers of Central Station.

Tom Fields, owner of San Remo Hotel, discussed crime situation and communications problem (delay when calling 911). He suggested filling of all vacancies including dispatchers and officers.

Ed Lawson, Union Square Association, talked of problems in the area, commended Central Station officers, additional staffing and people blocking sidewalk.

The meeting, thereafter, was adjourned at 7:15 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6432M

[SF] [MINUTES]

DECEMBER 4, 1992 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, December 4, 1992 at 4:30 p.m. in Closed Session.

1. Attorney-Client Conference
   Nelson Alas vs. CCSF
   Blair vs. CCSF
   SF Patrol Special Officers vs. CCSF

2. Personnel Matter
   Review of Final Applicants for OCC Director Position

DECEMBER 4, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, December 4, 1991 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF OCTOBER 9, 1991

Approval of Minutes of Meeting of October 9, 1991, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 185-91

REQUEST OF THE CHIEF FOR APPROVAL TO ACCEPT A DONATION OF 10 YOSEMITE MOUNTATIN BIKES FROM YOKOTA CYCLE COMPANY

RESOLVED, that the request of Chief of Police for approval to accept a donation of ten (10) Yosemite Mountatin bikes by Mr. John Harrington of the Yokota Cycle Company, estimated total value of $4,500, for use by the San Francisco Police Department, is hereby approved.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Keker stated that the Commission met in executive session on litigation and personnel matters and no action was taken.

a.) MOTION ON CALENDARING OF NEW MATTERS

None.

DOCUMENTS DEPT.
MAR 2 0 1992
SAN FRANCISCO PUBLIC LIBRARY

b.) PUBLIC COMMENTS

Frank Martin del Campo, Local 790, discussed concerns expressed to him from employees of the OCC regarding lack of direction during the absence of a permanent director for that office. He also

discussed concerns of under staffing and management problems due to lack of leadership.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Willis Casey introduced Officer David Herman who presented one of the bicycles donated to the department by Yokota Cycle Company. This bike is one of the ten donated and accepted by the Commission as described on the Consent Calendar.

Chief Casey briefed the Commission on the accomplishments over the past year since his appointment to Chief including personnel rotation policy, replacing of Community Relations with CPOP (Community Police on Patrol) program, creation of Tenderloin Task Force and Special Investigations Division, Inspectors Bureau, now a 24-hour operation, elimination of the Intelligence Unit, handling of the anti-war demonstrations with no complaints, revamping of the disciplinary system, combining of all youth services, participation of the department in the Gay/Lesbian parade, realignment of the district station boundaries and overall reduction of crime in the city.

Commissioner Keker congratulated the Chief and the members of the department for their accomplishments. Commissioner Craig discussed and asked the Chief about confusion in crime statistics. Chief Casey to report back next week regarding crime stats. Commissioner Keker asked for update regarding P.O.S.T. elimination of funds for training as reported in the previous meeting. Chief Casey responded by saying that legislation may be the only remedy.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eileen Luna, OCC, advised the Commission that the city will be holding testing for Senior Administrative Analyst and it may affect that office. She stated that the statistical report has been completed and it will be sent to the Commission Office for distribution to all Commissioners.

PRESENTATION BY OCC ON JUSTIFICATION FOR ADDITIONAL INVESTIGATORS

After brief discussion, the matter was put over to February 5th, 1992.

REQUEST OF THE CHIEF OF POLICE TO ESTABLISH A CRIMINAL PROFITEERING ACTIVITY SPECIAL FUND

Continued to December 11th.

CONSIDERATION AND ACTION ON PROPOSED SETTLEMENT AGREEMENT SAN FRANCISCO PATROL SPECIAL POLICE OFFICERS ASSOCIATION vs. CITY AND COUNTY OF SAN FRANCISCO, et al

Continued to January 8th, 1992.

PUBLIC HEARING ON MEDIATION OF MINOR COMPLAINTS

John Parker discussed mediation of minor complaints and Eileen Luna discussed same. After discussion, it was recommendation that when a new director of the OCC is in place, that person will review and deal with that situation.

PUBLIC COMMENT:

Mr. Antonio Blanco presented letters of complaint on separate matter.

At this time, Commissioner Keker asked Mr. Bob Martin, Management Control, regarding Officer Lassus matter and discovery in that case. Mr. Martin is to report back to Commissioner Keker by December 16th.

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE SERGEANT FRANK M. McDONAGH, NORTHERN STATION

Continued to December 17th.

The meeting, thereafter, was adjourned at 7:55 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6436M

[SF] [MINUTES]

SF
45
2
1/6/91

DECEMBER 6, 1991 CLOSED SESSION

Police Commissioner Gwenn Craig conducted a Closed Session in Room 551, Hall of Justice, 850 Bryant Street on Friday, December 6, 1991 at 9:30 p.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called at 10:05 a.m., it having been continued from the meeting of October 28, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic was not present due to his medical condition but was represented by Mr. Peter Furst, Attorney at Law.

Mr. Peter Furst explained Sgt. Hensic's medical condition and presented the doctor's slip of Dr. Stein, Kaiser Medical Center, Petaluma, CA.

The meeting was then adjourned to be continued to Saturday, December 14, 1991 at 10:00 a.m. in Room 551, Hall of Justice.

The meeting, thereafter, was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6436M/4

DOCUMENTS DEPT.
MAR 2 0 1992
SAN FRANCISCO
PUBLIC LIBRARY

SF
45
2
14/91

SF MINUTES

DECEMBER 14, 1991 CLOSED SESSION

Police Commissioner Gwenn Craig conducted a Closed Session in Room 551, Hall of Justice, 850 Bryant Street on Saturday, December 14, 1991 at 10:00 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST SERGEANT DONALD I. HENSIC, WARRANT BUREAU

The hearing for taking of evidence in the disciplinary charges filed against Police Sergeant Donald I. Hensic, Warrant Bureau, was called at 10:30 a.m., it having been continued from the meeting of December 6, 1991.

Mr. Robert A. Martin, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Sergeant Donald I. Hensic appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witness appeared for the Defense, was sworn and testified:

Officer George Stasko, Night Investigations

The following witnesses appeared for the Prosecution, were sworn and testified:

Captain Diarmuid Philpott, Juvenile Division
Sergeant Ann Cazahous, Ingleside Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit #7 Copy of Ingleside Station Schedule (Personnel), 4 pages

The following witness was recalled by the Prosecution, and further testified:

Sergeant Donald I. Hensic, Warrant Bureau

The following exhibit was entered into evidence by the Defense:

Exhibit E Three newspaper articles regarding Police Reports

The following witnesses were recalled by the Prosecution, having been previously sworn testified:

Officer Mary Dunnigan, Ingleside Station
Officer Sharon Ferrigno, Park Station

A motion was made by Mr. Peter Furst on behalf of Sergeant Donald Hensic declaring a "mistrial".

The matter was taken under submission by Commissioner Craig. It is the decision that the motion will be discussed with the City Attorney.

The meeting was then adjourned at 6:45 p.m. to be continued following decision on the motion by the City Attorney.

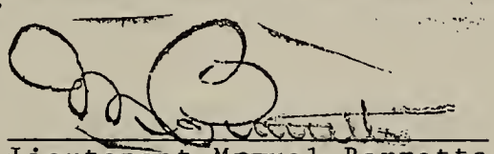
DOCUMENTS DEPT.
MAR 2 0 1992
SAN FRANCISCO
PUBLIC LIBRARY

Recesses taken during the hearing of Sergeant Hensic:

11:55 a.m. to 12:05 p.m.
1:10 p.m. to 2:50 p.m.
6:06 p.m. to 6:15 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, William Henderscheid and Associates.)

The meeting, thereafter, was adjourned at 6:45 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6436M/5

[SF] [MINUTES]

DECEMBER 18, 1991 SPECIAL MEETING

Police Commissioner Pius Lee conducted a Special Meeting in Room 551, Hall of Justice, 850 Bryant Street on Wednesday, December 18, 1991 at 9:00 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER EMILY R. FIELDS, LEGAL DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Emily R. Fields, Legal Division, was called at 9:30 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily Fields appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Ms. Margaret Pendergast for the Defense.

The following witnesses appeared for the Prosecution, were sworn and testified:

James T. Allen, Clerk, San Jose, CA
Officer Jacklyn Jehl, Warrant Bureau
Officer Joseph Arone, Warrant Bureau

The following exhibits were entered for identification by the Prosecution:

Exhibit #1	PIN Warrant Service Card - Emily Fields
Exhibit #2	PIN Warrant List dated 8/16/91
Exhibit #3	Five (5) copies of Bench Warrants (#B9112035B, B9112038B, B89112030B, B9112034B, B9112039B)
Exhibit #4	Computer Pintout dated 8/28/91, Payment Schedule
Exhibit #5	Letter to Emily R. Fields from Clerk of the San Francisco Municipal Court, Room 101
Exhibit #6	Invoice #011404 dated 8/22/91, The Auto Glass Specialists
Exhibit #7	Invoice #010767 dated 8/15/91, The Auto Glass Specialists, 2 pages
Exhibit #8	Copy of Department Bulletin 91-05 dated 8/13/91
Exhibit #9	Certified copy of Time Payment Schedule dated 12/17/91
Exhibit #10	Copy of Computer Printout of Emily Fields, Warrant #9112037B

The following witness appeared for the Defense, was sworn and testified:

Officer Emily R. Fields, Legal Division

DOCUMENTS DEPT
MAR 2 0 1992
SAN FRANCISCO PUBLIC LIBRARY

The meeting was then adjourned at 11:30 a.m. to be continued to Thursday, December 19, 1991 at 9:00 a.m. in Room 505-2, Hall of Justice.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, William Henderscheid and Associates.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6436M/7

DECEMBER 18, 1992 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, December 18, 1992 at 5:00 p.m. in Closed Session.

Attorney-Client Conference
William E. Henry vs. CCSF, et al
Proposed Settlement - EEOC (Jackson) vs. CCSF

DECEMBER 18, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, December 18, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker (arrived at 7:30 p.m.)

APPROVAL OF MINUTES OF MEETING OF OCTOBER 16, 1991

Approval of Minutes of Meeting of October 16, 1991, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 192-91

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (JAMES L. JACKSON) vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Equal Employment Opportunity Commission (James L. Jackson) vs. City and County of San Francisco in U.S. District Court No. C86-1328 EFL in the amount of $50,000 for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

RESOLUTION NO. 193-91

WILLIAM E. HENRY vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William E. Henry vs. City and County of San Francisco, et al in the amount of $17,500.00 in Superior Court No. 921-474 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 18, 1989

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

DOCUMENTS DEPT.
MAR 2 0 1992
SAN FRANCISCO PUBLIC LIBRARY

RESOLUTION NO. 194-91

NELSON ALAS vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nelson Alas in the amount of $15,000 in U.S. District Court No. C89-3363 FMS for damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1988

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

POLICE COMMISSION REPORT

Commissioner Craig stated that the Commission met in executive session on Attorney-Client Conference on a matter on the consent calendar. Nothing else to report.

Commissioner Lee talked about the gun turn-in program and stated that due to the fact that there is no more money available, that he has raised $3,000.00 to continue the program. He stated that some restaurant owners have donated dinner tickets for their restaurants. He stated that he would like to continue the program and possibly change the program a little. He suggested paying $25 and giving a $25 certificate issued by a restaurant in Chinatown for each gun turned in. Commissioner Lee then made a motion to accept the $3,000.00, seconded by Commissioner Giraudo and approved by the Commission. Commissioner Craig asked Chief Casey to work with Commissioner Lee in setting-up the program and report back to the Commission.

a.) MOTION ON CALENDARING OF NEW MATTERS

None

b.) PUBLIC COMMENTS

Sylvia Courtney, attorney for Officer Lassus, requested continuance on his disciplinary charges. Robert Martin, attorney for the department, discussed discovery being prepared for Courtney and is almost ready for delivery to her. Matter was rescheduled for January 31st and February 1 at 9:30 a.m.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Casey stated that he has nothing other than item #10 on tonight's calendar to report.

REPORT BY THE CHIEF OF POLICE REGARDING STATISTICS

Steve Lutz of the Planning Division, briefed the Commission on procedures regarding statistical reporting input. He discussed departments requirements regarding reporting as required by state law. He talked about the automated reporting system. He talked of backlogs and reasons and causes of same. He stated that the statistical figures will be open for review for those interested.

REQUEST OF THE CHIEF OF POLICE TO ESTABLISH A CRIMINAL PROFITEERING ACTIVITY SPECIAL FUND

Captain Ribera presented the matter to Commission and responded to questions from Commissioners regarding specifics of the fund. Motion by Commissioner Giraudo, seconded by Commissioner Lee, the matter was then unanimously approved.

RESOLUTION NO. 186-91

REQUEST TO ESTABLISH A CRIMINAL PROFITEERING ACTIVITY SPECIAL FUND

WHEREAS, defendants in criminal profiteering activity cases are occasionally ordered by courts to forfeit monies and tangible property as restitution for the investigation; and

WHEREAS, the Police Department currently has no special fund established to receive and expend such monies and use tangible property; and

WHEREAS, funds currently received are used exclusively to abate overtime expenditures related to criminal profiteering activity investigations; now therefore be it

RESOLVED, that the Police Commission hereby approves the establishment of a special fund to receive and expend monies and use tangible property forfeited as restitution in criminal profiteering activity cases.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Eileen Luna reported that Hearing Officer John Finger passed away the previous Monday. She complimented his actions while working with OCC. She discussed statistics previously sent to the Commissioners. She then announced publicly that she is resigning as the interim director of the OCC to take the position of the Executive Officer of the San Diego County Citizens Law Enforcement Review Board effective January 6th. She thanked the Commission, her staff and members of the Police Department for assistance. Commissioner Craig thanked her for her efforts and years of service. Commissioner Giraudo also thanked her and wished her luck in her new endeavor.

Commissioner Campana updated the Commission on the search for a new director of the OCC. He stated that the applicants have been screened down to 13 finalists, two of which the Commissioners are seriously interested in and one of those is leaving the area. He stated that there probably won't be a new director until late in January.

DISCUSSION ON IMPLEMENTATION OF MAYOR'S DISCIPLINE TASK FORCE RECOMMENDATION ON OPENNESS OF OCC PROCEEDINGS

Mr. John Crew, ACLU, discussed why openness should be passed and reasons why. Commissioners Campana and Giraudo discussed John Crew's position

and concerns regarding privacy, and investigative hearings.

Ms. Mary Vail expressed here concerns about openness. Al Trigueiro, President of POA, stated the position of the association and that he is not in agreement in all openness suggestions as stated in the Mayor's Task Force Report. Sylvia Courntey, attorney for POA, discussed openness and issues relating to same. Commissioner Giraudo stated that he feels that the POA attorney is remiss for not submitting association's position in writing so that the Commission could review.

Ms. Mara Rosales, Deputy City Attorney, stated the City Attorney's position. OCC records are confidential. Ms. Rosales is to submit a written report to the Commission and report back to Commission on January 8th, 1992. Matter was then put over. Motion was made by Commissioner Giraudo and seconded by Commissioner Campana.

POLICE COMMISSION CONSIDERATION OF RESERVING A POSITION ON THE JUNE BALLOT REGARDING CHARTER AMENDMENT ON POLICE DISCIPLINE SYSTEM

Ms. Mara Rosales stated that Supervisor Hallinan introduced this to the Board of Supervisors this past Monday. Commissioner Giraudo moved for ratification, seconded by Commissioner Lee and it was unanimously approved.

RESOLUTION NO. 187-91

CONSIDERATION OF RESERVING A POSITION ON THE JUNE BALLOT REGARDING CHARTER AMENDMENT ON POLICE DISCIPLINE SYSTEM

RESOLVED, that the Police Commission hereby approves reserving a position on the June ballot regarding Charter Amendment on the police discipline system.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE SERGEANT MICHAEL LAWSON, NORTHERN STATION

Put over to January 8th.

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER VINCENT J. VAGO, PARK STATION

Put over to January 22.

RESOLUTION NO. 188-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER JACK Z. WRONSKI, TARAVAL STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the

disciplinary charges filed against Police Officer Jack Z. Wronski, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Pius Lee is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Wronski; and

WHEREAS, it was requested by the Police Commission than the date for taking of evidence by Commissioner Lee in the disciplinary charges filed against Officer Wronski be set at a later date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Lee in the disciplinary charges filed against Officer Jack Z. Wronski is to be set at a later date.

AYES: Commissioners Campana, Craig, Giraudo, Lee
ABSENT: Commissioner Keker

RESOLUTION NO. 189-91

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER JAMES ESCOBAR, MISSION STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer James Escobar, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Edward Campana is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Escobar; and

WHEREAS, it was requested by the Police Commission that the date for taking of evidence by Commissioner Campana in the disciplinary charges filed against Officer Escobar be set at a later date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Campana in the disciplinary charges filed against Officer James Escobar is to be set at a later date.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 191-91

HEARING OF SGT. FRANK M. McDONAGH, NORTHERN STATION

WHEREAS, the hearing on disciplinary charges against Police Sergeant Frank M. McDonagh, Northern Station, was called it having been set for this date; and

WHEREAS, it was reported by Mr. James Collins, Attorney at Law representing Sergeant McDonagh, that Sergeant McDonagh was ill and could not attend the hearing; therefore be it

RESOLVED, that the hearing of disciplinary charges against Sergeant McDonagh is continued to Wednesday, January 22, 1992 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF POLICE OFFICER DAVID L. FONTANA, HEADQUARTERS COMPANY

The hearing in the disciplinary charges filed against Police Officer David L. Fontana, Headquarters Company, was called it having been set for this date. Police Officer David L. Fontana was charged with violating the Rules and Procedures as follows:

FIRST AMENDED CHARGES

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.Z and XII.B of General Order F-4 of the San Francisco Police Department.)

in a properly verified complaint by Willis A. Casey, Chief of Police of the San Francisco Police Department.

Mr. Richard Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer David L. Fontana appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Closing statement was made by Mr. Richard Corriea for the Prosecution.

Closing statement was made by Mr. Stephen Whitmore for the Defense.

The Commission took the matter under submission, deliberated and returned, after which the following resolution was adopted:

RESOLUTION NO. 190-91

DECISION - HEARING OF OFFICER DAVID L. FONTANA, HEADQUARTERS COMPANY

WHEREAS, on July 24, 1991, Willis A. Casey, Chief of Police, made and served charges against Police Officer David L. Fontana, and

WHEREAS, the Commission having heard or read the matter, makes the following findings of fact as set forth in the following charges:

(1) At all times herein mentioned, David Fontana, Star No. 1570 (hereinafter referred to as "the accused") was and is a police officer employed by the San

Francisco Police Department. The accused is assigned to the Headquarters Company;

(2) As a police officer, the accused is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On January 27, 1990, the accused was assigned to Headquarters Company as part of a team of officers participating in an officer/victim undercover operation;

(4) On or about January 27, 1990, at approximately 1400 hours, the accused responded to Turk and Taylor Streets as part of the team of officers to back-up a "decoy officer" upon whom a theft had been committed;

(5) The accused, upon encountering the theft suspect, struck the suspect in the head with his hand. The suspect was not then and there threatening the accused, the "decoy officer" or resisting arrest so as to necessitate the accused striking him in the head to accomplish the arrest;

(6) By striking the accused in the head, when such strike was unnecessary, the accused failed to adhere to the written policy of the San Francisco Police Department contained in Rule I.B of General Order F-4, which states:

I. POLICY

A. ...

B. It is the policy of the San Francisco Police Department to accomplish the police mission as efficiently as possible with the highest regard for the human dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

(7) The accused, by striking the suspect in the head, when said suspect's action did not necessitate such an act, used unnecessary force, which is defined by the Rule XI.A of General Order F-4, which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(8) The accused, by striking the suspect in the head used unnecessary force during the arrest, which constitutes violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) The allegations contained in Specification No. 1, paragraph (1) through (8), above, are hereby incorporated by reference as if fully set forth herein;

(10) On or about January 27, 1990, the accused struck Mark Wilson with his open hand while Wilson was handcuffed and subdued and with such force as to cause Wilson to fall to the floor;

(11) The accused did not report the use of force by him against Wilson to his superiors in violation of Section 27, 1990, of the Police Department Manual, Section 1400 Uniform, Personal Appearance of Members of the Department;

(12) The accused, by failing to make a complete report of the incident to his superiors in violation of Section 27, 1990, of the Police Department Manual, Section 1400.07 Reporting Use of Force by Police Officers, Subdivision (1) (a) (1) and (2) of the Police Department Disciplinary Penalty Matrix, which is Rule 4 of the Police Department Disciplinary Penalty Matrix:

"XIV. REPORTING THE USE OF FORCE

A. Officers must report the use of force by them or another officer in the following circumstances.

1. Physical strength when used to overpower the subject.

2. Firearm discharge (Malice).

3. The police department considers any force used by another when the subject is subdued.

4. When the officer is required to use any force to control a subject, including but not limited to, verbal commands.

5. Canine bites

B. In all cases in which the use of force by the officer results in injury to the subject, an immediate report must be prepared. The officer must report the force used by the officer in the best manner possible. (e.g. specific, factual)

1. The type of force (e.g. baton, hand)

2. A brief statement of the reason for the use of force (e.g. subdue resisting arrest)..."

and

WHEREAS, the taking of evidence by Commissioner Louis J. Giraudo on the disciplinary charges filed against Police Officer David L. Fontana was conducted on Thursday, August 1, 1991, and a hearing before the entire Commission was conducted on Wednesday, December 18, 1991, pursuant to Section 8.343 of the Charter of the City and County of San Francisco, and on December 18, 1991, the matter was submitted to the Police Commission for decision; and

WHEREAS, all Commissioners acknowledged reading the transcript and reviewing the evidence presented at the procedural hearing, with the exception of Commissioner Craig who had not read the transcript; and

WHEREAS, it is the findings of the Police commission that Specification No. 1 is not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer David L. Fontana has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department; be it further

RESOLVED, the following decision was made by the Police Commission:

SPECIFICATION NO. 1

Not sustained

SPECIFICATION NO. 2

Withdrawn by the Prosecution

AYES: Commissioners Campana, Giraudo, Keker, Lee
ABSTAIN: Commissioner Craig

Recess taken during the hearing of Officer Fontana:

8:00 p.m. to 8:15 p.m.

(The entire proceedings were taken in shorthand form by Mr. Dave Davenport, William E. Henderscheid and Associates.)

The meeting, thereafter, was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6452M

SF
45
2
19/91

SF MINUTES

DECEMBER 19, 1991 SPECIAL MEETING

Police Commissioner Pius Lee conducted a Special Meeting in Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, December 19, 1991 at 9:00 a.m.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICER EMILY R. FIELDS, LEGAL DIVISION

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Emily R. Fields, Legal Division, was called at 9:10 a.m., it having been continued from the meeting of December 18, 1991.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily Fields appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

The following witness appeared for the Prosecution, was sworn and testified:

Sergeant Ralph Domer, Warrant Bureau

The following exhibits were entered for identification by the Prosecution:

Exhibit #11 Copies of Citiation #066176390, 066176364, 066176353, 066182535, 066182550, 066182645, 066182513 and 066182524 dated 8/7/91, 4 pages

Exhibit #12 Computer Printout of money orders issued Aug. 17 through 27th (10 pages)

Exhibit #13 Copy of Delivery Receipt from Mygrant Glass Co., Inc. dated 8/21/91

The following witness appeared for the Defense, was sworn and testified:

Janice Russell

The following witness appeared in rebuttal for the Prosecution, was sworn and testified:

Sergeant Ray Kilroy, Management Control

The meeting was then adjourned at 9:55 a.m. to be continued for closing statements and decision to be made before the entire Commission at a later date to be determined.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, William Henderscheid and Associates.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6436M/9